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- I. Letter from Gordon Donaldson – testimony at public hearing November 9, 2017

### **A. Asher pit Map 3 lot 42 &43**

#### **Gravel permit with 5 conditions. December 10, 2013 map**

Amend map with buffer strip

Buffer areas to be screened/ need map for screening and restoration.

Install additional monitoring well

Revise restoration statement stating all conditions will be met.

Provide letter to DOT that signage for trucks entering has been requested.

2014 – East boundary, restoration proposed from 2013-16 was not done.

Significant bare ground in buffer needs to be restored.

Steep slope may remain.

Restoration completion within 1 year of Permit. ( note :update, restoration still not finished/successful as of November 2017)

### **B. Jones pit Map 7 Lot 7**

To whom it may concern letter from CEO – not in compliance, original memorandum from 2016 – said to complete in 2017. Still no restoration as of November 22, 2017

Jones pit continued

Gravel Permit 2013 issued 10/10/2013

Conditions

1. Install one additional monitoring well that is suitable for drawing samples for water quality testing, & further locate the wells so that the water table and oils beneath the 3 acres site, submit to planning board by May 1 2014.
2. Submit an amendment to restoration statement clearly stating that the restoration plan will address all requirements (a-e) in performance section 8D(1)
3. Provide the planning board by December 31, 2013 with a copy of letter to DOT that "Truck Entering" signs have been requested.

Beal Pit conditions applying to c1, D2, E7 from 12/10/13 approval

Conditions on gravel permit

Install one additional monitoring well that extends into the water table, and suitable for water sampling. Submit written report to the planning board on the results of the installation by may 1, 2014.

Submit an amendment to the restoration statement clearly stating that the restoration plan will address all requirements in Performance Standard.

Provide proof of DOT request for "Trucks Entering" signs.

### **Jones Pit conditions letter 12.10/13**

### **Jones Pit Gravel Pit Permit 2001**

Conditions:

With notification to the owner or designee, the CEO alone or with 1 or more planning board members may visit the site upon request.

From the date of final restoration approval, the owner guarantees at least 85% of the restored vegetation will be alive and well after 2 years, failing which additional restorations will be performed.

Monitoring wells will be checked in April and November of each year

A demonstrable effort will be made to re-grade and restore the northwest slope

The area surrounding the pond will be restored - new grass and some plantings.

#### **Jones pit, map 7 lot 7 Gravel pit inspection report Fall 1999.**

The existing screening for the pit is not up to performance standards and will have to be replaced with a locking gate or cable.

No variance for work within 2 feet of the water table,

Pit inspection 1998 - pit is being worked at 5.5 feet above water level.

**1991 Jones Pit Map 7 Lot 7** inspection report, states 1( Pit not being used, 2) ATV traffic is entering, request for better, trash noted to be dumped around pit area.

#### **2004 Jones Pit, inspection report – pit appear to be un-used. Pool of water in center of Pit.**

Map 7 lot 9 and Map 7 lot 24 agreement to abolish 50 foot buffer between Perry Fowler & Dad Trucking, Richard MacQuinn.

#### **C. Beal pit Map 7 Lot 9**

Map 2014 finding of fact setback not established. Elimination of buffer. Refusal to comply

No Restoration proposed for within the 100 foot setback portion of north boundary

#### **Beal Pit Map 7 lot 9 1/9/2016** finding of fact & decision

Conditions imposed on permit. 100 foot setback not established for a portion of north boundary. Elimination of buffer strip for portion of boundary with HORPLAND is only 200 foot. Applicant refuses to comply.

#### **D. Kittredge pit Map 3 lots 31 &33**

Finding of fact & decisions sheet from 12/10/13

Install monitoring well in eastern portion

Install 4 wells in western section. Submit water monitoring data prior to operations

State that the reclamation plan applies to d(2) a-e.

K. Questions concerning slope and soil application on restoration done recently.

Completeness review - gravel pit application Kittredge pit 8/20/13

Internal road is in buffer zone

No plan for escrow

#### **Kittredge pit 2011 gravel pit Map 3 lots 31 &33,**

Condition of 2011 pit.

Excavation, a 10 foot natural buffer shall be maintained along the west, south and east boundaries of the leased area on Lot 31. As well as that portion of the leased lot which abuts the unpermitted land of Miro. And along that portion of the north boundary of the permitted area of MacQuinn in lot 33 which abuts the land of Manring.). It is the consensus of the planning board that a "natural buffer" precludes the use of that 10 foot buffer for a road within the permitted area.

Ordinance item 8-C Groundwater protection. The fueling pad located at the northwest corner of the permitted area needs to be repaired or replaced to ensure its intended function.

Gravel pit permit Jan 14, 2014 continued. Map 3 lots 31 & 33. Applicant shall install one additional monitoring well on the easterly portion of the parcel and 4 additional wells in the westerly portion, etc.

The applicant shall submit an amendment to the restoration statement clearly stating that the restoration plan will address all requirements (a\_e) in Performance Standard 8D(1).

### **Kittredge Pit Permit – 2008 no conditions.**

Gravel pit restoration Monitoring format 9/13/2010  
Report on restoration monitoring – 1 Jordan Pit/ 6 MacQuinn Pits.

CES groundwater sampling report for Paul MacQuinn– only 2 of 6 pits water sample were able to be analyzed because of dry wells. No data submitted for Beals, Jones and Asher Pits for 2016.

Report from Stephen Salsbury on Permitting history for Kittridge & Miro gravel pits.  
(3 pages)

Letter that conditions from 2010 permit (except for the restoration of the refueling pad) have been met.

### **Gravel permit Kittridge Map 3 lot 31 & 33. 11/7/2016**

Proposed screening in buffer area at west end of lot 31 must be completed by June 30, 2017.  
Condition 2 – a notice of intent to restore the gravel pit shall be submitted and recorded on the deed for lot 31.

2016 Water sampling report – MacQuinn pits inclusive.

Note that the **Asher pit** had a water quality exception – exceeding Maine Maximum exposure guidelines for **C11-C22 Aromatics**.

**Kittredge** pit exceeded Federal iron standards for drinking water.

October 3, 2013 Series of emails between Steve Salisbury and planning board Chairman John Holt about not meeting guidelines for submitting data before next planning board meeting.

DEP permit by rule notification form 6/25/2013.

Section (2) Adjacent to protected Natural Resource

## **Lamoine Planning Board**

Hearing on Site Plan Review Permit for Harold MacQuinn & Sons, Inc.  
September 27, 2017; continued November 9, 2017  
Testimony from Gordon Donaldson

Members of the Planning Board and Fellow Citizens:

For both the Site Plan Review and Gravel Ordinances, it is the applicant's responsibility to "make the case" that this use of property satisfies the basic purposes of the ordinances -- not just in the short term, but in the case of the SPR, for a long time to come -- most likely, beyond our lifetimes. The Planning Board's responsibility is to balance the company's interests with those of the community -- a process that requires the Board not only to review the specific information required by both applications, but to ask, "Does all this information satisfy the basic Purposes of each ordinance?" **That is, has Harold MacQuinn & Sons, Inc. met the burden of proof test -- convincing the Board that this project will be safe, will be "productive" for the Town as well as the Company, and will not compromise the "health", "safety", and "welfare" of our community.**

I have reviewed the Company's update of the 2012 application. They have filled in technical aspects of the application, but they have, in my judgment, not provided sufficient information to merit a positive conclusion in **three fundamental ways**:

### **1. Weak and Nonexistent Restoration Plans**

(see SPR Standard #16; Gravel Ordinance #4 and #8C)

The Gravel Ordinance requires that MacQuinn & Sons "PRESERVE THE USEFULNESS OF THE LAND AND ITS CAPACITY TO BE AN ASSET TO THE TOWN AND ITS RESIDENTS."

Consider the following:

- a. the applications never describe an "end plan" for these 108 acres when mining is "complete" -- so there is no way to conclude that this development will meet this Purpose.
- b. They never specify when reclamation and restoration will occur -- only that they will be done AFTER THE OPERATIONS ARE "COMPLETE" (variously described as final grading "within one year of completing extraction operations" ... or mulching and hydroseeding "within 30 days of final grading" ... or, contradicting this statement, "within five (5) days after final grading is completed". (p. 159)... or "If loaming, seeding and mulching cannot occur immediately, it shall be done prior to any storm event and within 15 days of completing construction in the areas...").

**The Town, then, faces a period upwards of 60 years in which this huge area will be in an unsafe and unnatural state. MacQuinn and Sons have NOT COMMITTED themselves to any firm deadlines, any schedule of phased**

reclamation or restoration, or any plan describing the future usefulness of these 108 acres! How can the Board conclude that this development will be “an asset to the Town and its residents”?

Given the Planning Board’s experience with this applicant over the 27 years I served on it, I doubt seriously the Company’s ability and willingness to follow through on these vague and incomplete promises. We need a plan for which the Company can be held accountable.

## 2. Weak and Nonexistent Procedural Safeguards

The two Ordinances require that MacQuinn & Sons “PRESERVE”, “PROTECT”, AND “PROMOTE” THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC” ... “OF THE RESIDENTS OF LAMOINE”. (SPR Purpose #1; GO Purpose #1). They specifically identify the safety of our water, the preservation of wildlife and our environment, and the protection of property values and quality of life -- especially with regard to abutting landowners. **So: Are there strong safeguards in these applications to minimize these risks to our health, safety, and welfare?**

My review of operations plans in these applications – Mining procedures, Sediment Control, Stormwater Runoff, and the like – leaves significant questions unanswered – and significant risks that this will “result in unsafe or unhealthful conditions” (GO #1, #3, and #8C; SPR #10)

- **How long will overly steep slopes – a hazard to people, wildlife, and the forces of nature – exist in this enormous area?** [The application states that “grading will be held to a maximum 2.5:1 slope where practical. Greater slopes may be used where banks are protected with erosion control matting or riprap. Slopes will be stabilized with permanent seeding immediately (within five (5) days after final grading is completed”. (p. 159) Note: “final grading” will occur “within one year of completing extraction operations (p. 131) – around the year 2080 or beyond.
- **Will reclamation take place as portions of the pit reach their final slope, securing the site against erosion and unsafe slopes?** [The application only says: “Gravel pit operations will be sequenced so that areas exposed during the permit cycles will be restored to meet final grades and stormwater management features”. p. 132. Note: there are no dates or a sequencing plan.
- **Will the “wetland mesa” (Wetland C) survive as a wetland once it is made into a mesa? Will Wetland B – a Wetland of Special Significance, as determined by the Maine DEP – be protected by the required 250 foot Resource Protection Zone and DEP permit?** (not indicated on any current drawing). (GO #4A; SPR #4e and I5(l).

- What are the plans for addressing unforeseen events that jeopardize townspeople's water quality and quantity? Safety? Environment? Quality of life? The applications include measures to monitor water levels and quality. But they but do not lay out concrete plans of action the Company will take if and when a safety or quality of life issues arise.

This development is simply too massive to be permitted to go forward without more careful planning that will ensure the community's "protection", including phased extraction and restoration and emergency shut-down procedures. It is the largest proposed pit in the history of Lamoine; it involves steep slopes, is entangled with a public water supply and three wetlands areas, and, given its prominent location on Rte 184 near Lamoine Corner, will effect the quality of life of townspeople well beyond the lifetimes of most current residents.

The operational issues inherent in a proposal of this size and duration cannot all be foreseen. A "license for the life of the pit" – which essentially is what a Site Plan Review permit is -- will tie the hands of the Code Enforcement Officer, the Planning Board, and the Board of Selectmen way into the future.

This project, if it goes forward, should be chunked into phases of extraction, maintenance, and restoration; the operator should not be permitted to move to the next phase until the previous one is complete and restoration is assured. *This is especially important in the case of this Company*, a business which has steadfastly refused to reclaim and restore the many acres of open pit it now owns, including those within the Kittredge pit itself.

### 3. No Evidence that it will "Promote the Health, Safety, and Welfare". (SPR Purpose #1; GO Purposes #1, #3, and #5)

Finally, please note that the Board is to issue a Site Plan Review Permit when it finds that an application will "**PROMOTE**" AS WELL AS "**PROTECT**" THE HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS OF THE TOWN OF LAMOINE". This proposal, as many others have argued, will clearly not "preserve and enhance the landscape", nor will it "protect" the resources now found on Cousin's Hill. But most significantly, the applications before you **in no way makes a compelling case that this 108 acre gravel pit will "promote" the public health, the public safety, or the public welfare.** They simply do not include in detail hard-and-firm plans for sensible mining, for safeguards against risks, or for future uses of this land that **will**, in the words of our Gravel Ordinance, "**PRESERVE THE USEFULNESS OF THE LAND AND ITS CAPACITY TO BE AN ASSET TO THE TOWN AND ITS RESIDENTS.**"

I urge you to deny the applications.

Gordon Donaldson  
9 Martin's Cove Lane

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# Town of Lamoine – Gravel Permit

The Lamoine Planning Board finds the owner/operator listed below to be in compliance with the Lamoine Gravel Ordinance and permits operation from this date until the expiration date listed below. The owner/operator must comply with all local, state and federal regulations regarding gravel pit extraction operations, restoration, and any conditions listed below.

Owner	Operator	Pit Name	Asher Pit
Harold MacQuinn, Inc. PO Box 789 Ellsworth, ME 04605	Harold MacQuinn, Inc PO Box 789 Ellsworth, ME 04605	Map Lot(s)	3 42 & 43-1
		Effective Date	December 10, 2013
		Expiration Date	October 31, 2016
Conditions:			
1. Amend the map by designating the required buffer strip on the southerly boundary of the pit. 2. All buffer areas on the southerly, easterly, and northerly sides of the pit be screened as required by the Lamoine Gravel Ordinance and restored as required by Subsection 8D(1, a-e) of that ordinance and that this work be completed by the expiration date of this permit. Further, that a map and plan for screening and restoration be presented to the Planning Board by January 21, 2014. 3. Install one additional monitoring well that extends into the water table and that is suitable for drawing samples for water quality testing; and further that the wells be located within the pit in order to give a fair picture of the water table and the soils lying beneath the 4.8 acre site; 4. Submit an amendment to the Restoration Statement clearly stating that the Restoration Plan will address all requirements (a – e) in Performance Standard 8D(1). 5. Provide the Planning Board by December 31, 2013 with a copy of a letter to the Maine Department of Transportation requesting the installation of "Trucks Entering" signs			

Authorized Signature:

  
John Holt, Chair - Lamoine Planning Board

4/16/2014 ash pit 2014

makes it impracticable to screen gravel operations from public view, the Planning Board shall have the authority to alter or waive the screening requirement.			
<b>C. Groundwater Protection</b>		See W&R	
C1. No Gravel Pit shall be worked at any time at a level less than five (5) feet above the existing water table. The location of the water table shall be established prior to any excavation taking place. (See Section 7.C.2.b. requirement).	✓		
C2. No ditching, trenching, pumping or other methods shall be used to lower the water table for the purpose of allowing more Gravel extraction than would be permitted without such lowering of the water table.	✓		
C3. No substance or item harmful to groundwater quality including, but not limited to, salt, creosoted timber, tree stumps, building waste, petroleum products or rubbish shall be dumped in a Gravel Pit.	✓		
C4. Petroleum products, such as fuel and lubricants, being used in Gravel Operations shall be kept under cover and upon an impermeable spill-proof base sufficient to contain the volume of the petroleum products in the event of a spill.	✓		
C5. The Planning Board may increase the separation distance required if it determines that the water table of neighboring properties will be adversely affected by gravel extraction to the five-foot minimum separation.			
<b>D. Restoration</b>	✓	East boundary	
D1. Reclamation Plan			
Any area from which Gravel has been extracted and from which no further Gravel extraction is either proposed by the pit operator or eligible for permitting by the Planning Board under the terms of the Ordinance shall be restored to a natural state within the specifications set forth below:			
D1a. No slopes shall have an incline greater than 2.5 horizontal-to-1 vertical (2.5:1). Slopes greater than 2.5:1 shall be regraded, except that a steeper slope may be allowed if slope stability analysis is submitted showing that there will be no failure or sloughing of slopes		1) Negotiation Agreement 2013-2016 was not done 2) Site intact & no ground in buffer area 3) Steep slope may remain 4) Restoration completed / in tandem of permit.	3 - Surf. laundry

TOWN OF LAMOINE - PLANNING BOARD  
GRAVEL PERMIT - FINDINGS OF FACT & DECISION

Applicant	<i>Howard Hutchinson, LLC</i>	Map(s) & Lot(s)	<i>Map 3 Lots 42 and 43-1</i>
Public hearing date	<i>12/10/13</i>	Number of acres	<i>4.8</i>
PB Review date	<i>12/10/13</i>	Fee received?	

**PERFORMANCE STANDARD**

	YES	NO	REASON FOR NO VOTE or CONDITIONS
A1. A buffer strip of at not less than 100 feet in width shall be maintained between the boundary of the Gravel Pit and the boundary of the Parcel on which the Pit is located. For a period of three (3) years from effective date of this Ordinance, the 100-foot buffer strip between the boundary of the Gravel Pit and an abutting parcel boundary may be reduced to not less than fifty (50) feet with written permission of the current abutting property owner. Such written agreement shall be recorded at the Hancock County Registry of Deeds, making reference to the title deed of the owner of each such abutting Parcel. After said three (3) year period, reduction of the 100-foot set-back by an abutting parcel owner shall not be permitted. However, the buffer strip between permitted Gravel Pits on abutting Parcels may be eliminated with the written permission of both owners, provided the elimination of the buffer strip does not increase the runoff from either excavation across the property boundary.	<i>5</i>	<i>0</i>	<i>Condition Add buffer strip to rear boundary boundary abutting Lot 42-1</i>
A2. A buffer strip of not less than 150 feet in width shall be maintained between the boundary of the Pit and an existing private drinking water supply. A buffer strip of at least 1,000 feet shall be maintained between the boundary of the Pit and any public water supply.	<i>5</i>	<i>0</i>	
A3. A buffer strip of not less than 100 feet in width shall be maintained between the boundary of the Pit and the nearest edge of any public road, public right-of-way or the nearest edge of any private road serving as the principal road in a subdivision.	<i>5</i>	<i>0</i>	

ashar pit 12/10/13

A4. A buffer strip of not less than 250 feet in width shall be maintained between the boundary of the Pit and the normal high-water line of any great pond, river or saltwater body, and the upland edge of a coastal or freshwater wetland; a buffer strip of not less than 75 feet in width shall be maintained between the boundary of the Pit and the normal high-water line of a stream. (See Shoreland Zoning Ordinance for these and other restrictions which may apply.)	5' 0"	
A5. The Planning Board shall have the authority to require wider buffer areas if it determines that the above set-back distances are insufficient to achieve the purposes of protecting private and public water supplies, screening gravel operations from public view, and protecting water bodies, tributary streams or wetlands as noted in A.2., A.3., and A.4. above.	NA	
B. Screening. Screening within all required buffer strips as described in paragraph A. above shall be required in order to prevent direct view of Gravel Operations from any private residence and/or business, public road, public right-of-way and private road serving as a principal road in a subdivision and to reduce the volume of noise generated from Gravel Operations affecting neighboring properties. Natural features such as trees, shrubbery, berms and hills shall be maintained as screening where possible. Where such natural features are not present or are insufficient to provide the required screening, the Planning Board may require construction of fences and/ or additional plantings. Where topography makes it impracticable to screen gravel operations from public view, the Planning Board shall have the authority to alter or waive the screening requirement.	5' 0"	<u>CONSTRUCTION</u> See minutes
C. Groundwater Protection		
1. No Gravel Pit shall be worked at any time at a level less than five (5) feet above the existing water table. The location of the water table shall be established prior to any excavation taking place. (See Section 7.C.2.b. requirement).	5' 0"	<u>CONSTRUCTION</u> See minutes
C2. No ditching, trenching, pumping or other methods shall be used to lower the water table for the purpose of allowing more Gravel extraction than would be permitted without such lowering of the water table.	5' 0"	
C3. No substance or item harmful to groundwater quality including, but not limited to, salt, creosoted timber, tree stumps, building waste, petroleum products or rubbish shall be dumped in a Gravel Pit.	5' 0"	

12/10/13

C4. Petroleum products, such as fuel and lubricants, being used in Gravel Operations shall be kept under cover and upon an impermeable spill-proof base sufficient to contain the volume of the petroleum products in the event of a spill.	5	0	
C5. The Planning Board may increase the separation distance required if it determines that the water table of neighboring properties will be adversely affected by gravel extraction to the five-foot minimum separation.	NA	0	
D. Restoration 1. Reclamation Plan Any area from which Gravel has been extracted and from which no further Gravel extraction is either proposed by the pit operator or eligible for permitting by the Planning Board under the terms of the Ordinance shall be restored to a natural state within the specifications set forth below:	5	0	<u>Condition:</u> <i>See Minutes</i>
a. No slopes shall have an incline greater than 2.5 horizontal to 1 vertical (2.5:1). Slopes greater than 2.5:1 shall be regraded, except that a steeper slope may be allowed if slope stability analysis is submitted showing that there will be no failure or sloughing of slopes.			
D1b. All disturbed surfaces shall be covered with a minimum of four (4) inches of topsoil. Any topsoil which was stripped prior to Gravel extraction and which is retained on premises shall be seeded, mulched, or otherwise stabilized. Additional topsoil shall be obtained from off-site sources if needed to fully cover all disturbed surfaces.			
D1c. Vegetative material used in Restoration shall consist of native grasses, legumes, herbaceous, or woody plants or a mixture thereof. The owner/operator shall guarantee that if, after two years from the restoration completion date, more than fifteen (15) percent of the planted area does not sustain vegetation, the failed areas shall be replanted. (See <i>Maine Erosion and Sediment Control BMP</i> , 3/2003, and any subsequent amendments.)			
D1d. All structures, such as refueling pads and gates, shall be removed and all access, haul or other support roads shall be subject to Restoration once no longer used.			
D1e. Restoration activities shall be completed within one year of commencement			
D2. Filing of Reclamation Plan. The owner/operator of the Pit shall record the Restoration Plan with the Hancock County Registry of Deeds. Recording the Restoration Plan with the deed to the property will assure the Town of Lamoine that the sale of the property to any other owner for any reason will cause the new owner to comply with the terms of the	5	0	<u>Condition:</u> <i>See Minutes</i>

12/10/13

Restoration Plan unless the new owner applies for and receives a Gravel Permit within six months of assuming ownership of the Pit.			
D3. Performance Guarantee – Escrow Account Each permit holder shall pay to the Town of Lamoine \$0.05 (5 cents) for every cubic yard of material excavated and removed from the permitted area as disclosed in the Annual Report made to the CEO (see paragraph H, below). Such payment shall accompany the Annual Report. The amount paid shall be deposited by the Town in an escrow account bearing the permit holder's name and tax ID number. The sole purpose of the escrow account shall be to provide funds to cover the total costs of all required Restoration activities specified in the reclamation plan. Money may be withdrawn from the escrow account to pay for restoration work only after such work is completed to the satisfaction of the CEO. The permit holder is liable for all additional costs associated with reclamation if the funds available in the escrow account are insufficient to cover the actual costs of reclamation. Should the owner/operator fail to complete required Restoration work, a lien in an amount three times the estimated cost to complete required Restoration shall be recorded against the Parcel.	50		
E. Transportation 1. All vehicles carrying Gravel either to or from a Gravel Pit shall have the load covered and tailgates secured so as to prevent spillage of any part of the load on the public roads within the Town.	50		
E2. All access/egress roads leading to or from a Gravel Pit shall be paved or otherwise hard-surfaced for a distance of not less than one hundred (100) feet from the near edge of the pavement of a public road so as to prevent mud, stones, and the like from being brought onto the public road.	50		
E3. Except as set forth in E. 2. above, access roads in and around the Pit shall not be oiled, salted, or paved.	50		
E4. A minimum sight distance of 12.5 feet for every mile-per-hour of posted speed limit shall be provided where an access/egress road intersects a public road. Sight distances shall be measured from the driver's seat of a vehicle that is ten (10) feet behind the curb or edge of the shoulder line of the public way to a point which is four (4) feet high and four (4) feet from the center line of the public road. (For example, a sight distance of 562.5 feet is required for a road posted at 45 mph.). If the public road is a State road, a Road Entrance Permit issued by the Maine Department of Transportation shall satisfy this standard.	50		
E5. The angle of intersection of an access/egress road and a public road	50		

12/10/13 after pit

E6. The maximum permissible grade within 75 feet of such intersection shall be 5%.	5	0	
E7. Road signs stating "Trucks Entering – 500 feet" shall be installed 500 feet from where access roads intersect public ways. Said signs shall be paid for by the permit holder and installed by permission of and in cooperation with the Maine Department of Transportation.	5	0	<u>Condition</u> See minutes
F. Hours of operation			
1. Regular hours of operation shall be 6 a.m. to 6 p.m. daily with the exception of Sunday when no Gravel Operations are permitted.	5	0	
2. Activities related solely to Restoration are permitted on Sunday between 12 p.m. and 6 p.m.			
3. In emergency situations involving public health and/or public safety, gravel operations may occur, but only after notification is made to and permission granted by the CEO. A written report shall be filed within 24 hours of commencement of such emergency operations describing the nature of the emergency warranting such operations.			
4. Gravel Operations shall not occur on the following holidays: Memorial Day, Independence Day, Thanksgiving Day and Christmas Day.			
G. Noise			
1. Noise shall not to be objectionable due to intermittence, beat frequency, shrillness or volume beyond the boundaries of the Parcel(s) on which Gravel Pit is located.	5	0	
2. Sound pressure levels shall be measured on a sound level meter at all boundary lines of the Parcel on which the Gravel Pit is located.			
3. The sound pressure limit shall not exceed 65 dB at any Parcel boundary line.			
H. Annual Report			<u>Not until 1st anniversary report</u>
1. On an annual basis, not less than thirty (30) days following the anniversary date of the permit, the Gravel Pit owner/operator shall provide a written report to the CEO containing the following:			
a. The volume of Gravel excavated from the Pit during the previous twelve (12) month period.			
H1b. Any Restoration completed during the previous twelve (12) month period.			
H1c. Water table levels, expressed in feet above mean sea level, measured within thirty (30) days of the anniversary date of the permit, in all Monitoring Wells/piezometers within the Pit; and the level, expressed in feet above mean sea level, of the lowest point in the Pit floor.			

12/10/13 ademix

H1d. Water quality data, as determined within thirty (30) days of the anniversary date of the permit, from samples taken from each Monitoring Well/piezometer. Data shall include results of field parameters and analyses, set forth in 7.C.2.c.			
I. Exterior Lighting			
1. All exterior lighting shall be designed to ensure safe movement of people and vehicles and to minimize adverse impact on neighboring properties and public ways.	5	0	
2. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.			
J. Air Pollution			
Gravel Operations shall not create an emission of dust or dirt at any point beyond the boundary line of the Parcel on which the Pit is located that could damage human health, animals, vegetation or property or that could soil or stain persons or property.	5	0	
K. Landscape Preservation			
Environmentally sensitive areas such as aquifers, significant wildlife habitat, wetlands, steep slopes, floodplains, historic buildings and sites, existing and potential archaeological sites and unique natural features shall be maintained and preserved to the maximum extent practicable.	5	0	
L. Adverse Effect			
The proposed Gravel Operations shall not adversely affect the value of neighboring properties.	5	0	
M. Comprehensive Plan			
The proposed Gravel Operations shall be in conformance with the Comprehensive Plan of the Town.	5	0	
N. Additional Standards			
The Planning Board shall have the authority to apply additional standards and impose such conditions not otherwise specified in this Ordinance as may be necessary to minimize any adverse effects associated with Gravel Operations on public health and safety and on surrounding land uses and resources.	N/A		

Assess per 12/10/13

Based on the above review and findings of fact, this application is:

- Approved  
 Denied - (Reasons for denial attached to this form)  
 Approved with conditions - (Conditions attached to this form)

Chair - Lamoine Planning Board

Conditions relating to Subsections A1, B, C1, D (a-e), D2, and E7.  
See minutes

  
Secretary

12/10/13



Town of Lamoine  
Rebecca Albright, Code Enforcement Officer  
606 Douglas Hwy  
Lamoine, ME 04605  
(207) 667-2242

November 22, 2017  
Harold MacQuinn, Inc.  
P.O. Box 3789  
Ellsworth, ME 04605

RE: Map 7 Lot 7/ "Jones Pit"

To Whom it May Concern:

Greetings. My name is Rebecca Albright and I have recently (again) become the Code Enforcement Officer for the Town of Lamoine.

It has come to my attention that there has been no restoration of this pit. You, (or your agent), received a memorandum dated 10/5/2016 with respect to the expiration of your permit and the mandatory restoration that was to have been completed by October 31<sup>st</sup>, 2017.

I have visited this pit on 11/1/2017 n& 11/15/2017 and seen no evidence of restoration.

You have agreed to the Lamoine Planning Board to restore this pit. You filed a restoration plan at the Hancock County Registry of Deeds. Enclosed, please find a photocopy of the Town of Lamoine's Gravel Pit Reclamation Plan, (Section 8.D.1. {a through e}) from the Town of Lamoine's Gravel Ordinance.

The Planning Board is looking for a completed restoration by June 30<sup>th</sup>, 2018.

It is my strong suggestion that you utilize the services of a company or person that is highly experienced, competent and knowledgable in landscaping.

Please be advised that according to the Lamoine Gravel Ordinance, (Section H.4.b.), a fine of \$500 per day pf violation can be assessed against you if the June 30<sup>th</sup>, 2018 restoration date is not achieved.

Please call me at 667-2242 with any questions.

Sincerely,

Rebecca Albright, CEO/LPI

# Town of Lamoine – Gravel Permit

2013

The Lamoine Planning Board finds the owner/operator listed below to be in compliance with the Lamoine Gravel Ordinance and permits operation from this date until the expiration date listed below. The owner/operator must comply with all local, state and federal regulations regarding gravel pit extraction operations, restoration, and any conditions listed below.

Owner	Operator	Pit Name	Expiration Date
Harold MacQuinn, Inc.	Harold MacQuinn, Inc	Map	October 31, 2016
PO Box 789	PO Box 789	Lot(s)	
Ellsworth, ME 04605	Ellsworth, ME 04605	Effective Date	December 10, 2013
		Expiration Date	

Conditions:

1. Install one additional monitoring well that extends into the water table and that is suitable for drawing samples for water quality testing; and further that the wells be located within the pit in order to give a fair picture of the water table and the soils lying beneath the 3:0 acre site; further, that a report be submitted to the Planning Board on the results of this installation by May 1, 2014.
2. Submit an amendment to the Restoration Statement clearly stating that the Restoration Plan will address all requirements (a – e) in Performance Standard 8D(1).
3. Provide the Planning Board by December 31, 2013 with a copy of a letter to the Maine Department of Transportation requesting the installation of "Trucks Entering" signs.

Authorized Signature:

  
John Holt, Chair - Lamoine Planning Board

Jones Pt Map 7, and

12/10/13 - 10/31/16

Based on the above review and findings of fact, this application is:

Approved

Denied - (Reasons for denial attached to this form)

Approved with conditions - (Conditions attached to this form)

\_\_\_\_\_, Chair - Lamoine Planning Board

Conditions relating to: C1, D2, and E7. See minutes.

Attn: Secretary  
12/10/13

# Town of Lamoine -- Gravel Pit Permit

2001

The Lamoine Planning Board finds the owner/operator listed below to be in compliance with the Lamoine Gravel Ordinance and permits operation from this date until the expiration date listed below. The owner/operator must comply with all local, state and federal regulations regarding gravel pit extraction operations, restoration, and any conditions listed below.

**Owner:** Harold MacQuinn, Inc.  
PO Box 789  
Ellsworth, ME 04605

**Operator:** Harold MacQuinn, Inc.  
PO Box 789  
Ellsworth, ME 04605

**Map 7**  
**Lot(s) 7**

**Effective Date:** November 13, 2001  
**Expiration Date:** November 2004

**Conditions:**

- a) With notification to the owner or designee, the CEO alone or with one or more members of the Planning Board may visit the site upon request.
- b) From the date of final restoration approval, the owner guarantees at least 85% of the restored vegetation will be alive and well after two years failing which additional restorations will be performed.
- c) Monitoring well(s) will be checked in April and November of each year.
- d) A demonstrable effort will be made to re grade and restore the northwest slope.
- e) The area surrounding the pond will be restored – new grass and some plantings.

*Authorized Signature:*

  
Douglas Coleman, Chairman  
Lamoine Planning Board

GRAVEL PIT INSPECTION  
FALL 1999  
RONNIE MACQUINN "JONES" PIT  
MAP 7 LOT 7  
By Rebecca Albright

This pit is located off of Route 184 of the east side of the road. There is a 50' buffer strip in place of all sides except of the Richard King line for which a written line agreement has been drawn up and filed.

The survey lines for pit are marked with bolted pipe. The pit is internally drained and erosion or run-off does not affect neighboring property owners.

The seasonally high watermark is 8 feet 6 inches above the water table.

The existing screening for the pit is an earthen berm and a stand of trees. This is not up to performance standards and will have to be replaced with a locking gate or cable to satisfy the requirements of the ordinance.

There has not been a variance for work within 2 feet of the water table. There are no stumps, timber, petroleum products, metal or rubbish stored in the pit.

There is no current restoration being done in the pit. There is an old pre-existing 2:1 north slope in the pit.

The only work done in the pit in 1999 was the removal of 350 cubic yard donated for the ball field.

GRAVEL PIT INSPECTION  
OCTOBER 8TH, 1998  
RONALD MACQUINN  
MAP 7 LOT 7  
by REBECCA ALBRIGHT

(JONES PIT)

PERFORMANCE STANDARDS (SECTION 8. OF THE LAMOINE GRAVEL ORDINANCE)

A. EXCAVATION - By legally binding owner agreement, the buffer strip between the Dick King property boundary/buffer and the MacQuinn property boundary. The other property boundaries maintain a 50 foot buffer strip.

This pit has a permanent monitoring well in place. This gravel pit is being worked at a level of about 5 and 1/2 feet distance above the average seasonally high water table.

B. SCREENING - screened from road by natural vegetation

C. GROUNDWATER PROTECTION - This pit has a refueling pad which is constructed of impervious material and clearly marked with a sign.

D. RESTORATION - no restoration has been done during this past year as the pit is still being worked and is not ready yet for restoration.

E. TRANSPORTATION - in compliance

F. ACCESS - The entrance to this pit was well blocked from the road by large rocks and an earthen berm. However, over the months, the 4-wheeler traffic has eroded the berm down quite a bit. Mr. MacQuinn stated that he will now have to get either a locking gate or more boulders along the front of the pit to effectively block it from public entry.

G. HOURS OF OPERATION - in compliance

H. NOISE - in compliance

Lastly, Ronnie, Tom McKay and I talked about the written material that the town requires by July 1st of every year. Also, the "Notice of Intent to Restore" form that should be filed at the Hancock County Registry of Deeds.

Map 7 Lot 7  
(Jones pit)

TOWN OF LAMOINE  
LAMOINE MAINE.

GRAVEL EXTRACTION ORDINANCE

Operator-

McGuinn, Inc.

To: Lamoine Planning Board

Re: annual inspection

Inspection Result

Section 8 Performance Standards

(14 acres approx.)

1. No excavation and/or removal of earth material shall be allowed within twenty-five feet of any property line. There will be no below grade excavation within two hundred feet of any public way.
2. No below grade excavation shall create an unstable slope so that the land within twenty-five feet of any property line or two hundred feet of any public way shall be subject to any increased erosion, slump or mass movement or other detrimental effect; a slope with a steeper incline than a ration of three (3) horizontal to one (1) vertical shall be deemed unstable unless demonstrated otherwise.
3. No gravel pit operation shall result in increased erosion or runoff that will adversely affect any adjoining properties.
4. All gravel extraction operations shall be restored with trees. All restoration activity shall be complete as of one year following the date the use of the gravel pit is discontinued. The operation shall be deemed discontinued if less than 200 cubic yards have been removed from the gravel pit within 12 consecutive months or as otherwise stated in the permit.
5. All gravel extraction operations shall be screened from view from adjacent public ways with fencing, vegetation, or other appropriate means.
6. No slopes on which vegetation can not be reestablished shall be left upon discontinuance of the gravel pit operation.
7. No gravel pit shall be worked at a level less than three (3) feet above the average seasonly high water table.
8. Special set backs may be required for crushing or sorting operations.
9. No leachate harmful to ground water quality, including but not limited to salt, creosoted timber, petroleum products or rubbish shall be dumped or stored in a gravel pit except under cover and upon an impermeable spill proof base.
10. Access to gravel extraction areas shall be strictly controlled with locking gates at the entrance of access roads. When the pit is inoperable all vehicular entrances shall be made impassable.

Pit not being used.

See below.

General comments:

Cable across entrance from Rt. 184. ATVs can enter from upper level. Stopping ATVs at that level practically impossible.

Road into woods from Rt. 204 has been used by unknoers persons to dump trash. Ron McGuinn is aware of this and plans to dig a ditch to prevent further use of this road.

Date. Oct. 1991

by Harold Huston C.E.O.

BK 2775 PG 171

17874

TOWN OF LAMOINE

LAMOINE PLANNING BOARD  
RR2 Box 53  
Ellsworth, ME 04605

REGISTER OF DEEDS  
HANCOCK COUNTY SS.  
Maine  
MELISSA L. COOK  
Notary Public, Maine  
My Commission Expires December 10, 2001  
98 OCT 14 AM 8:39

NOTICE OF INTENT TO RESTORE A GRAVEL PIT OR MINE

Date: 10-13-98

Owner's Name:

First \_\_\_\_\_ Last Harold MacQuinn, Inc.

"The Jones Pit"

Property Location

Town/City Lamoine Street/Road Just East of State Highway # 184  
and South of Route # 204

Lot # 7 Map # 7 Book # 1103 Page # 394

The Gravel pit or Mine Restoration Plan specified on the attached plan has been designed to restore the land areas to their pre-existing condition, or a condition which is in compliance with the Maine State Department of Environmental Protection and the Town of Lamoine's Gravel and Mining Ordinance

The system replacement design is in accordance with Section 8, Performance Standards, Subsection D, Restoration, Items a., b., c., and d. of the Lamoine Land Use Ordinance and the State of Maine's Chapter 38 MRSA § 490-D Sec. 14A, B, C, and D.

Upon sale or transfer of property, the new owners will comply with the recorded Plan if the Gravel Pit or Mining Operations are continued. Otherwise, the new owners will restore the land in compliance with the Plan recorded within 60 (sixty) days of ownership.

Ronald P. MacQuinn, Pres.  
Land owner's Name (printed)

\*Ronald P. MacQuinn  
Land owner's signature

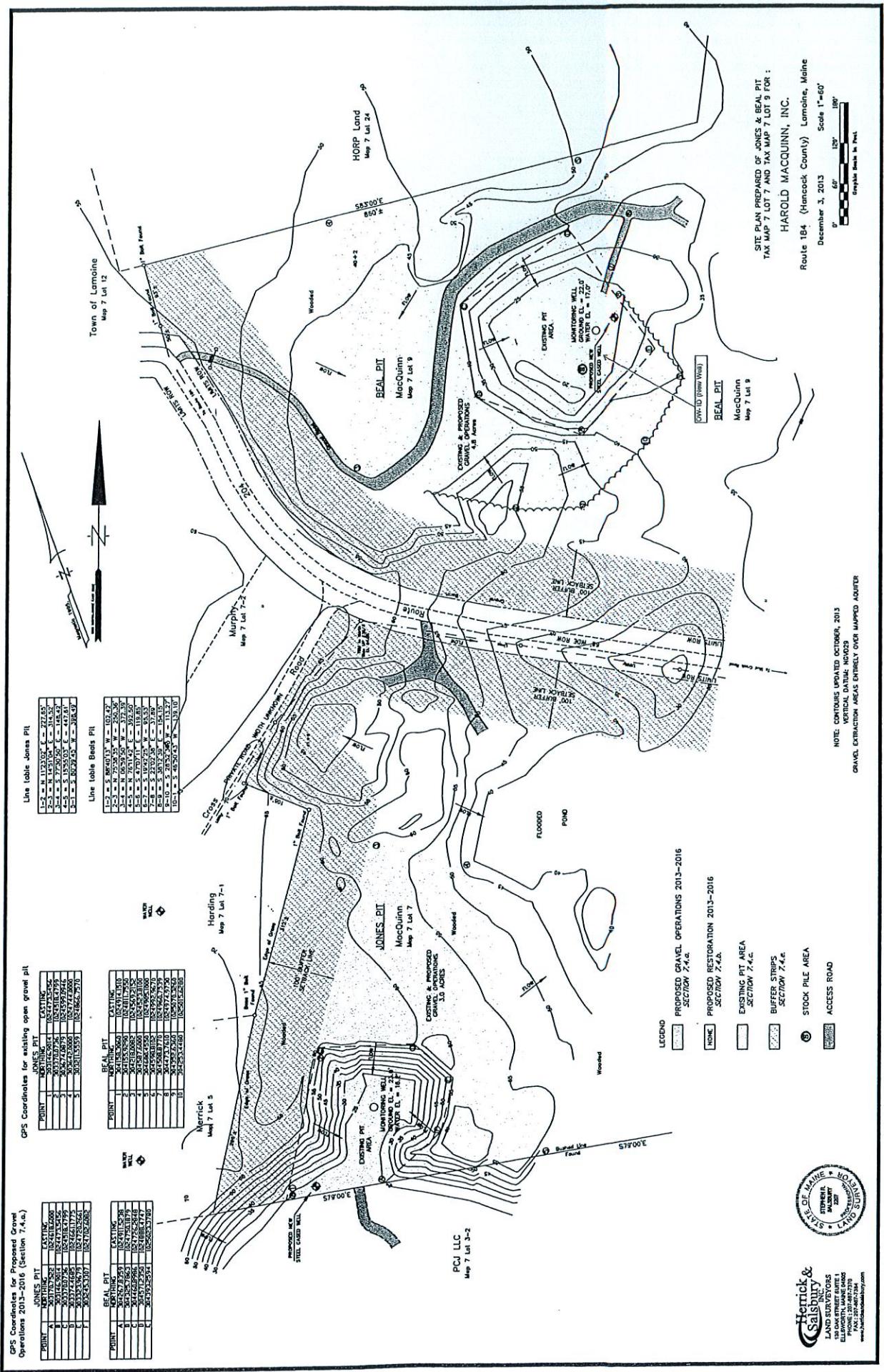
State of Maine Hancock ss: 10-13-98  
(county) Date

Subscribed and sworn to by the above named Ronald P. MacQuinn  
This 13th day of October, 1998 at Hancock,  
Maine.

Before me, Melissa L. Cook  
(Notary Public)

MELISSA L. COOK  
Notary Public, Maine  
My Commission Expires December 10, 2001

SEAL



## Town of Lamoine - Gravel Pit Inspection Worksheet

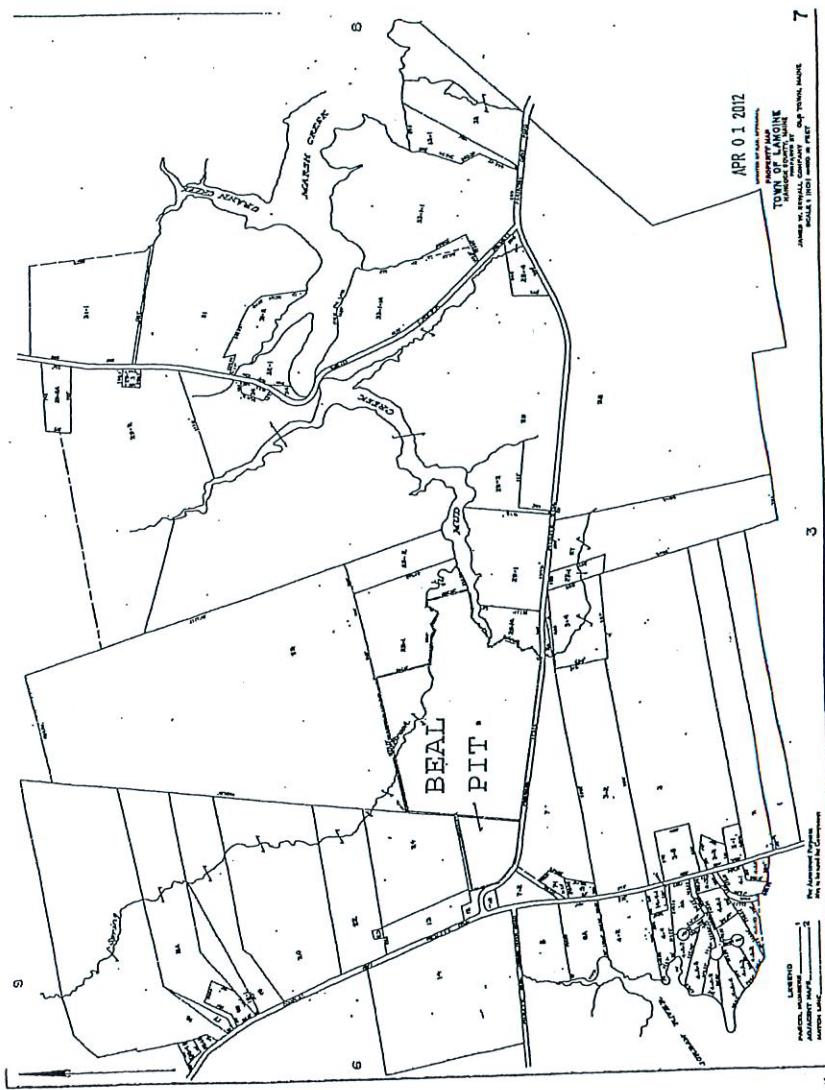
Map	7	Lot	7	Inspection Date	4-23-04
Owner	Mac Quillan			Operator	Steve
Physical Location	Pinkham Pits RD.	(Jones Pit)			

## Performance Standards

Standard	Yes	No	Comments
Is 50' buffer in place on all boundary lines?	✓		
Are all boundary lines clearly marked by flagging, stakes or posts?	✓		
Is there any erosion or runoff that can affect neighboring properties?	✓		
Is water level in compliance: > 5'		✓	Level = NO VELC FOUND
Existing screening for pit	✓		Type = mixed woods
Is pit varianced for work within 2-feet of water table			
If varianced, have requirements been met?			
Any stumps, timber, petroleum products, metal or rubbish stored in the pit?	✓		
Is fuel & lubricant storage in compliance?	✓		
Spill Prevention Control & Countermeasures?	✓		
Any areas in pit currently being restored?			
Material Used for Restoration			
Slope of restored area?			
Do trucks leave pits with covering in place?			
Are entrances to pit controlled by locking gates or cables?	✓		Boulders Blocking entrance
Any work being done before sunrise?			
Any work being done after sunset			
Any work being done on Sundays?			
Any excessive noise levels for any reason?			

Inspected by	Signature	Date
FORD	D - D	4-23-04

Pit appears to be unused;  
Pool of water in center of pit (skating rink)



**TOWN OF LAMOINE - PLANNING BOARD  
GRAVEL PERMIT - FINDINGS OF FACT & DECISION**

Revised 4/18/2014

Applicant	Harold MacQuinn, Inc	Map(s) & Lot(s)	Map 7 Lot 9
Public hearing date	12/5/16	Number of acres	4.8
PB Review date	1/9/2016	Fee received?	\$300.00

PERFORMANCE STANDARD		YES	NO	REASON FOR NO VOTE or CONDITIONS
<b>A. Set-backs</b>		<p><i>100' setback not established for a portion of north boundary.</i></p> <p><i>Elimination of buffer strip for portion of boundary w/ Hancock Pit is only ~ 200'.</i></p> <p><i>Application refuses to comply.</i></p>		
A1. A buffer strip of at not less than 100 feet in width shall be maintained between the boundary of the Gravel Pit and the boundary of the Parcel on which the Pit is located. However,				
A1a. the buffer strip between permitted Gravel Pits on abutting Parcels may be eliminated with the written permission of both owners, provided the elimination of the buffer strip does not increase the runoff from either excavation across the property boundary.				
A1b. excavation in the 100-foot buffer strip may take place not less than fifty (50) feet from the Parcel boundary when conditions stated in A.2., A.3., and A.4. are met and if the following conditions also are met:				
b1) the Parcel or part thereof on which the Gravel Pit is located had been granted a Site Plan Review Permit for a Gravel Pit;				
b2) the owner of the abutting property grants written permission for the excavation to occur. Such written agreement shall be recorded at the Hancock County Registry of Deeds, making reference to the title deed of the owner of each such abutting Parcel;				
b3) excavation within the buffer strip may not exceed the 2.5-1.0 slope as required and described in Section 8.D.1.a (Restoration);				
b4) the area within the buffer strip anticipated to be excavated during the life of the Permit must be specified in the application and will be considered as part of the Pit; and				

makes it impracticable to screen gravel operations from public view, the Planning Board shall have the authority to alter or waive the screening requirement			
<b>C. Groundwater Protection</b>			
C1. No Gravel Pit shall be worked at any time at a level less than five (5) feet above the existing water table. The location of the water table shall be established prior to any excavation taking place. (See Section 7.C.2.b. requirement).	5 0		
C2. No ditching, trenching, pumping or other methods shall be used to lower the water table for the purpose of allowing more Gravel extraction than would be permitted without such lowering of the water table.	5 0		
C3. No substance or item harmful to groundwater quality including, but not limited to, salt, creosoted timber, tree stumps, building waste, petroleum products or rubbish shall be dumped in a Gravel Pit.	5 0		
C4. Petroleum products, such as fuel and lubricants, being used in Gravel Operations shall be kept under cover and upon an impermeable spill-proof base sufficient to contain the volume of the petroleum products in the event of a spill.	5 0		
C5. The Planning Board may increase the separation distance required if it determines that the water table of neighboring properties will be adversely affected by gravel extraction to the five-foot minimum separation.			
<b>D. Restoration</b>			
D1. Reclamation Plan Any area from which Gravel has been extracted and from which no further Gravel extraction is either proposed by the pit operator or eligible for permitting by the Planning Board under the terms of the Ordinance shall be restored to a natural state within the specifications set forth below.	0 5	No reclamation proposed <del>but within</del> within the 100' setback along portion of <del>the</del> <sup>with</sup> boundary.	
D1a. No slopes shall have an incline greater than 2.5 horizontal to 1 vertical (2.5:1). Slopes greater than 2.5:1 shall be regraded, except that a steeper slope may be allowed if slope stability analysis is submitted showing that there will be no failure or sloughing of slopes.			

17873

## TOWN OF LAMOINE

## LAMOINE PLANNING BOARD

RR2 Box 53

Ellsworth, ME 04605

98 OCT 14 AM 8:39

REGISTER OF DEEDS  
HANCOCK COUNTY  
Maine

REGISTER

## NOTICE OF INTENT TO RESTORE A GRAVEL PIT OR MINE

Date: 10-13-98Owner's Name:First \_\_\_\_\_ Last Harold MacQuinn, Inc.  
"The Bend Pit"Property LocationTown/City Lamoine Street/Road Just East of State Highway #184  
And North of Route #204Lot # 9 Map # 7 Book # 949 Page # 196

The Gravel pit or Mine Restoration Plan specified on the attached plan has been designed to restore the land areas to their pre-existing condition, or a condition which is in compliance with the Maine State Department of Environmental Protection and the Town of Lamoine's Gravel and Mining Ordinance

The system replacement design is in accordance with Section 8, Performance Standards, Subsection D, Restoration, Items a., b., c., and d. of the Lamoine Land Use Ordinance and the State of Maine's Chapter 38 MRSA § 490-D Sec. 14A, B, C, and D.

Upon sale or transfer of property, the new owners will comply with the recorded Plan if the Gravel Pit or Mining Operations are continued. Otherwise, the new owners will restore the land in compliance with the Plan recorded within 60 (sixty) days of ownership.

Ronald P. MacQuinn Inc.  
Land owner's Name (printed)

\*Ronald P. MacQuinn  
Land owner's signature

State of Maine Hancock ss: 10-13-98  
(county) Date

Subscribed and sworn to by the above named Ronald P. MacQuinn  
This 13th day of October, 1998 at Hancock,  
Maine.

Before me, Melissa L. Cook  
(Notary Public)

MELISSA L. COOK

Notary Public, Maine

My Commission Expires December 10, 2004

SEAL

# Town of Lamoine – Gravel Permit

2013

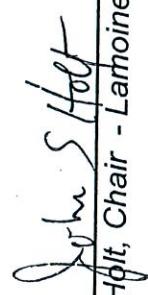
The Lamaine Planning Board finds the owner/operator listed below to be in compliance with the Lamoine Gravel Ordinance and permits operation from this date until the expiration date listed below. The owner/operator must comply with all local, state and federal regulations regarding gravel pit extraction operations, restoration, and any conditions listed below.

Owner	Operator	Pit Name	Beal Pit
Harold MacQuinn, Inc.	Harold MacQuinn, Inc	Map	7
PO Box 789		Lot(s)	9
Ellsworth, ME 04605		Effective Date	December 10, 2013
		Expiration Date	October 31, 2016

Conditions:

1. Install one additional monitoring well that extends into the water table and that is suitable for drawing samples for water quality testing; and further that the wells be located within the pit in order to give a fair picture of the water table and the soils lying beneath the 4.8 acre site; further, that a report be submitted to the Planning Board on the results of this installation by May 1, 2014.
2. Submit an amendment to the Restoration Statement clearly stating that the Restoration Plan will address all requirements (a – e) in Performance Standard 8D(1).
3. Provide the Planning Board by December 31, 2013 with a copy of a letter to the Maine Department of Transportation requesting the installation of "Trucks Entering" signs.

Authorized Signature:

  
John Holt, Chair - Lamaine Planning Board

Bengs PT  
Map 7, Lot 9

12/10/13 - 10/31/16

Based on the above review and findings of fact, this application is:

Approved

Denied - (Reasons for denial attached to this form)

Approved with conditions - (Conditions attached to this form)

\_\_\_\_\_  
Chair - Lamoine Planning Board

Conditions applying to : - C1  
- D2  
- E7 } see minutes

*A. A. Johnson Jr.*  
Secretary  
12/10/13

**PERRY J. FOWLER**  
**&DAD**  
**TRUCKING**  
**88 WALKER ROAD**  
**LAMOINE, MAINE 04665**  
**(207) 664-8662**

2-22-06

Line Agreement

Perry J. Fowler and Harold MacQuinn Inc. agree to abolish the 50 foot buffer for adjoining gravel pits outlined in the "Lamoine Gravel Ordinance". This is the property line of Fowler's Map #7 Lot #24 and MacQuinn Map #7 Lot #9.

Perry J. Fowler 2-22-06 Date

Harold MacQuinn 2-22-06 Date

EK2775FG170

17873

TOWN OF LAMOINE

LAMOINE PLANNING BOARD  
RR2 Box 53  
Ellsworth, ME 04605

98 OCT 14 AM 8:39  
REGISTER OF DEEDS  
HANCOCK COUNTY, ME  
Ronald P. MacQuinn  
REGISTER

NOTICE OF INTENT TO RESTORE A GRAVEL PIT OR MINE

Date: 10-13-98

Owner's Name:

First Ronald Harold MacQuinn, Jr.  
Last MacQuinn, Jr.

Middle Initial H

Title Gravel Pit

Property Location:

Town/City Lamoine Street/Road Just East of State Highway #184  
Street/Road and approx 1/4 mile from Route #204

Lot # 9 Map # 7 Book # 949 Page # 196

The Gravel pit or Mine Restoration Plan specified on the attached plan has been designed to restore the land areas to their pre-existing condition, or a condition which is in compliance with the Maine State Department of Environmental Protection and the Town of Lamoine's Gravel and Mining Ordinance

The system replacement design is in accordance with Section 8, Performance Standards, Subsection D, Restoration, Items a., b., c., and d. of the Lamoine Land Use Ordinance and the State of Maine's Chapter 38 MRSA § 490-D Sec. 14A, B, C, and D.

Upon sale or transfer of property, the new owners will comply with the recorded Plan if the Gravel Pit or Mining Operations are continued. Otherwise, the new owners will restore the land in compliance with the Plan recorded within 60 (sixty) days of ownership.

Ronald P. MacQuinn, Jr.  
Land owner's Name (printed)

\*Ronald P. MacQuinn  
Land owner's signature

State of Maine Hancock ss: 10-13-98 Date  
(county)

Subscribed and sworn to by the above named Ronald P. MacQuinn  
This 13<sup>th</sup> day of October, 1998 at Hancock,  
Maine.

Before me, MELISSA L COOK  
(Notary Public)

SEAL

13

MELISSA L COOK  
Notary Public, Maine  
My Commission Expires December 10, 2004

**TOWN OF LAMOINE - PLANNING BOARD  
GRAVEL PERMIT - FINDINGS OF FACT & DECISION**

Revised 4/18/2014

Applicant	Harold MacQuinn, Inc	Map(s) & Lot(s)	Map 7 Lot 9
Public hearing date	12/5/16	Number of acres	4.8
PB Review date	<del>12/5/16</del> 1/9/2016	Fee received?	\$300.00

**PERFORMANCE STANDARD**

YES	NO	REASON FOR NO VOTE or CONDITIONS
-----	----	----------------------------------

**A. Set-backs**

- A1. A buffer strip of at not less than 100 feet in width shall be maintained between the boundary of the Gravel Pit and the boundary of the Parcel on which the Pit is located. However, A1a. the buffer strip between permitted Gravel Pits on abutting Parcels may be eliminated with the written permission of both owners, provided the elimination of the buffer strip does not increase the runoff from either excavation across the property boundary.
- A1b. excavation in the 100-foot buffer strip may take place not less than fifty (50) feet from the Parcel boundary when conditions stated in A.2., A.3., and A.4. are met and if the following conditions also are met:
- b1) the Parcel or part thereof on which the Gravel Pit is located had been granted a Site Plan Review Permit for a Gravel Pit;
- b2) the owner of the abutting property grants written permission for the excavation to occur. Such written agreement shall be recorded at the Hancock County Registry of Deeds, making reference to the title deed of the owner of each such abutting Parcel;
- b3) excavation within the buffer strip may not exceed the 2.5-1.0 slope as required and described in Section 8.D.1.a (Restoration);
- b4) the area within the buffer strip anticipated to be excavated during the life of the Permit must be specified in the application and will be considered as part of the Pit; and

<del>0</del> 4	<del>0</del> 4	100' setback not established for a portion of west boundary. Elimination of buffer strip for portion of boundary w/ Hancock Pt is only ~ 200'. Application refuses to comply.

"Kittredge" Pit

Tabled 12/10/13 to 1/14/14

Completed 1/14/14

**TOWN OF LAMOINE – PLANNING BOARD  
GRAVEL PERMIT – FINDINGS OF FACT & DECISION**

Applicant	Thread Resources, Inc.	Map(s) & Lot(s)	Map 3 Lots 31 + 33
Public hearing date	12/10/13	Number of acres	2.2 acres - Western Pit is 17.5 ac. Eastern Pit is 4.4 ac.
PB Review date	12/10/13 and 1/14/14	Fee received?	\$450.00

**PERFORMANCE STANDARD**

	YES	NO	REASON FOR NO VOTE or CONDITIONS
A1. A buffer strip of at not less than 100 feet in width shall be maintained between the boundary of the Gravel Pit and the boundary of the Parcel on which the Pit is located. For a period of three (3) years from effective date of this Ordinance, the 100-foot buffer strip between the boundary of the Gravel Pit and an abutting parcel boundary may be reduced to not less than fifty (50) feet with written permission of the current abutting property owner. Such written agreement shall be recorded at the Hancock County Registry of Deeds, making reference to the title deed of the owner of each such abutting Parcel. After said three (3) year period, reduction of the 100-foot set-back by an abutting parcel owner shall not be permitted. However, the buffer strip between permitted Gravel Pits on abutting Parcels may be eliminated with the written permission of both owners, provided the elimination of the buffer strip does not increase the runoff from either excavation across the property boundary.	5	0	
A2. A buffer strip of not less than 150 feet in width shall be maintained between the boundary of the Pit and an existing private drinking water supply. A buffer strip of at least 1,000 feet shall be maintained between the boundary of the Pit and any public water supply.	5	0	
A3. A buffer strip of not less than 100 feet in width shall be maintained between the boundary of the Pit and the nearest edge of any public road, public right-of-way or the nearest edge of any private road serving as the principal road in a subdivision.	5	0	

A4. A buffer strip of not less than 250 feet in width shall be maintained between the boundary of the Pit and the normal high-water line of any great pond, river or saltwater body, and the upland edge of a coastal or freshwater wetland; a buffer strip of not less than 75 feet in width shall be maintained between the boundary of the Pit and the normal high-water line of a stream. (See Shoreland Zoning Ordinance for these and other restrictions which may apply.)	5 0	1/14/14
A5. The Planning Board shall have the authority to require wider buffer areas if it determines that the above set-back distances are insufficient to achieve the purposes of protecting private and public water supplies, screening gravel operations from public view, and protecting water bodies, tributary streams or wetlands as noted in A.2., A.3., and A.4. above.	N/A	
B. Screening. Screening within all required buffer strips as described in paragraph A. above shall be required in order to prevent direct view of Gravel Operations from any private residence and/or business, public road, public right-of-way and private road serving as a principal road in a subdivision and to reduce the volume of noise generated from Gravel Operations affecting neighboring properties. Natural features such as trees, shrubbery, berms and hills shall be maintained as screening where possible. Where such natural features are not present or are insufficient to provide the required screening, the Planning Board may require construction of fences and/ or additional plantings. Where topography makes it impracticable to screen gravel operations from public view, the Planning Board shall have the authority to alter or waive the screening requirement.	5 0	
C. Groundwater Protection		
1. No Gravel Pit shall be worked at any time at a level less than five (5) feet above the existing water table. The location of the water table shall be established prior to any excavation taking place. (See Section 7.C.2.b. requirement).	5 0	Condition: Install 1 monitoring well in eastern section and 4 more wells in western section; groundwater level data has early well required prior to operating 1/14
C2. No ditching, trenching, pumping or other methods shall be used to lower the water table for the purpose of allowing more Gravel extraction than would be permitted without such lowering of the water table.	5 0	
C3. No substance or item harmful to groundwater quality including, but not limited to, salt, creosoted timber, tree stumps, building waste, petroleum products or rubbish shall be dumped in a Gravel Pit.	5 0	

C4. Petroleum products, such as fuel and lubricants, being used in Gravel Operations shall be kept under cover and upon an impermeable spill-proof base sufficient to contain the volume of the petroleum products in the event of a spill.	N/A	
C5. The Planning Board may increase the separation distance required if it determines that the water table of neighboring properties will be adversely affected by gravel extraction to the five-foot minimum separation.	5	0
D. Restoration 1. Reclamation Plan Any area from which Gravel has been extracted and from which no further Gravel extraction is either proposed by the pit operator or eligible for permitting by the Planning Board under the terms of the Ordinance shall be restored to a natural state within the specifications set forth below: a. No slopes shall have an incline greater than 2.5 horizontal to 1 vertical (2.5:1). Slopes greater than 2.5:1 shall be regraded, except that a steeper slope may be allowed if slope stability analysis is submitted showing that there will be no failure or sloughing of slopes. D1b. All disturbed surfaces shall be covered with a minimum of four (4) inches of topsoil. Any topsoil which was stripped prior to Gravel extraction and which is retained on premises shall be seeded, mulched, or otherwise stabilized. Additional topsoil shall be obtained from off-site sources if needed to fully cover all disturbed surfaces. D1c. Vegetative material used in Restoration shall consist of native grasses, legumes, herbaceous, or woody plants or a mixture thereof. The owner/operator shall guarantee that if, after two years from the restoration completion date, more than fifteen (15) percent of the planted area does not sustain vegetation, the failed areas shall be replanted. (See Maine Erosion and Sediment Control BMP, 3/2003, and any subsequent amendments.) D1d. All structures, such as refueling pads and gates, shall be removed and all access, haul or other support roads shall be subject to restoration once no longer used. D1e. Restoration activities shall be completed within one year of commencement	5	0
D2. Filing of Reclamation Plan. The owner/operator of the Pit shall record the Restoration Plan with the Hancock County Registry of Deeds. Recording the Restoration Plan with the deed to the property will assure the Town of Lamoine that the sale of the property to any other owner for any reason will cause the new owner to comply with the terms of the	5	0

Restoration Plan unless the new owner applies for and receives a Gravel Permit within six months of assuming ownership of the Pit.		
D3. Performance Guarantee – Escrow Account Each permit holder shall pay to the Town of Lamoine \$0.05 (5 cents) for every cubic yard of material excavated and removed from the permitted area as disclosed in the Annual Report made to the CEO (see paragraph H, below). Such payment shall accompany the Annual Report. The amount paid shall be deposited by the Town in an escrow account bearing the permit holder's name and tax ID number. The sole purpose of the escrow account shall be to provide funds to cover the total costs of all required Restoration activities specified in the reclamation plan. Money may be withdrawn from the escrow account to pay for restoration work only after such work is completed to the satisfaction of the CEO. The permit holder is liable for all additional costs associated with reclamation if the funds available in the escrow account are insufficient to cover the actual costs of reclamation. Should the owner/operator fail to complete required Restoration work, a lien in an amount three times the estimated cost to complete required Restoration shall be recorded against the Parcel.	5 0	
E. Transportation 1. All vehicles carrying Gravel either to or from a Gravel Pit shall have the load covered and tailgates secured so as to prevent spillage of any part of the load on the public roads within the Town.	5 0	
E2. All access/egress roads leading to or from a Gravel Pit shall be paved or otherwise hard-surfaced for a distance of not less than one hundred (100) feet from the near edge of the pavement of a public road so as to prevent mud, stones, and the like from being brought onto the public road.	5 0	
E3. Except as set forth in E. 2. above, access roads in and around the Pit shall not be oiled, salted, or paved.	5 0	
E4. A minimum sight distance of 12.5 feet for every mile-per-hour of posted speed limit shall be provided where an access/egress road intersects a public road. Sight distances shall be measured from the driver's seat of a vehicle that is ten (10) feet behind the curb or edge of the shoulder line of the public way to a point which is four (4) feet high and four (4) feet from the center line of the public road. (For example, a sight distance of 562.5 feet is required for a road posted at 45 mph.) If the public road is a State road, a Road Entrance Permit issued by the Maine Department of Transportation shall satisfy this standard.	5 0	
E5. The angle of intersection of an access/egress road and a public road	5 0	

shall be a minimum of 60° and a maximum of 90°.			
E6. The maximum permissible grade within 75 feet of such intersection shall be 5%.	5	0	
E7. Road signs stating "Trucks Entering – 500 feet" shall be installed 500 feet from where access roads intersect public ways. Said signs shall be paid for by the permit holder and installed by permission of and in cooperation with the Maine Department of Transportation.	5	0	<u>Cooperative</u>
F. Hours of operation			
1. Regular hours of operation shall be 6 a.m. to 6 p.m. daily with the exception of Sunday when no Gravel Operations are permitted.	5	0	
2. Activities related solely to Restoration are permitted on Sunday between 12 p.m. and 6 p.m.			
3. In emergency situations involving public health and/or public safety, gravel operations may occur, but only after notification is made to and permission granted by the CEO. A written report shall be filed within 24 hours of commencement of such emergency operations describing the nature of the emergency warranting such operations.			
4. Gravel Operations shall not occur on the following holidays: Memorial Day, Independence Day, Thanksgiving Day and Christmas Day.			
G. Noise			
1. Noise shall not be objectionable due to intermittence, beat frequency, shrillness or volume beyond the boundaries of the Parcel(s) on which Gravel Pit is located.	5	0	
2. Sound pressure levels shall be measured on a sound level meter at all boundary lines of the Parcel on which the Gravel Pit is located.			
3. The sound pressure limit shall not exceed 65 dB at any Parcel boundary line.			
H. Annual Report			
1. On an annual basis, not less than thirty (30) days following the anniversary date of the permit, the Gravel Pit owner/operator shall provide a written report to the CEO containing the following:			<u>N/A until first anniversary</u>
a. The volume of Gravel excavated from the Pit during the previous twelve (12) month period.			
H1b. Any Restoration completed during the previous twelve (12) month period.			
H1c. Water table levels, expressed in feet above mean sea level, measured within thirty (30) days of the anniversary date of the permit, in all Monitoring Wells/piezometers within the Pit; and the level, expressed in feet above mean sea level, of the lowest point in the Pit floor.			

H1d. Water quality data, as determined within thirty (30) days of the anniversary date of the permit, from samples taken from each Monitoring Well/piezometer. Data shall include results of field parameters and analyses, set forth in 7.C.2.c.					
I. Exterior Lighting 1. All exterior lighting shall be designed to ensure safe movement of people and vehicles and to minimize adverse impact on neighboring properties and public ways. 2. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.	5	0			
J. Air Pollution Gravel Operations shall not create an emission of dust or dirt at any point beyond the boundary line of the Parcel on which the Pit is located that could damage human health, animals, vegetation or property or that could soil or stain persons or property.	5	0			
K. Landscape Preservation Environmentally sensitive areas such as aquifers, significant wildlife habitat, wetlands, steep slopes, floodplains, historic buildings and sites, existing and potential archaeological sites and unique natural features shall be maintained and preserved to the maximum extent practicable.	5	0			
L. Adverse Effect The proposed Gravel Operations shall not adversely affect the value of neighboring properties.	4	0	1 abst. (Bawman)		
M. Comprehensive Plan The proposed Gravel Operations shall be in conformance with the Comprehensive Plan of the Town.	4	0	1 abst. (Gallagher)		
N. Additional Standards The Planning Board shall have the authority to apply additional standards and impose such conditions not otherwise specified in this Ordinance as may be necessary to minimize any adverse effects associated with Gravel Operations on public health and safety and on surrounding land uses and resources.					

Based on the above review and findings of fact, this application is:

- Approved
- Denied - (Reasons for denial attached to this form)
- Approved with conditions - (Conditions attached to this form)

John Dohm Secretary  
Chair - Lamoine Planning Board

Conditions: Performance Standard C(1) (see minutes)  
Performance Standard D(2) (see minutes)

" Kitteredges "

**Town of Lamoine Planning Board**  
**Completeness Review – Gravel Permit Application**

Applicant Name(s)	<i>Harold MacQuinn, Inc</i>	Date Application Received	8/20/13
Map & Lot	<i>Map 3 Lot 31&amp;33</i>	Amount of Fee Received	\$450.00
# of Acres of Pit	<i>22</i>	Date Reviewed by Planning Board	9/3/13

1. GENERAL INFORMATION		Yes	No	Comments / Conditions
a. Name & current address of owner of record of Parcel on which Gravel Operations are proposed		✓		p-4
b. Name & current address of applicant seeking Gravel Permit, if different from owner		✓		p-4
c. Name assigned to proposed Gravel Operations		✓		etc
d. Length of permit applied for (may not exceed 3 years)		✓		
e. Land Use District in which the Parcel is located		✓		
f. Assessors' tax map and lot number of Parcel		✓		
g. Copy of deed, option to purchase, lease or other evidence of applicant's legal title, right, interest		✓		p. 9-17
h. Status of the current property tax payment		✓		p-48
i. Names & addresses of all owners of property within 500 ft of the Parcel on which Gravel Operations are proposed, and the assessors' tax maps and lots numbers of those properties		✓		<del>plan</del> p 6-8; 36-47
j. Name and registration number of the land surveyor, engineer, soils scientist, and/or similar professionals, if any, who prepared the Plan (C.2..below) submitted on behalf of the applicant		✓		<del>plan</del> on plan
k. Statement from financial institution indicating applicant has sufficient resources to fulfill the obligations required by Ordinance and any other activities required by the Planning Board		✓		p. 36
2: EXISTING CONDITIONS – Applicant shall provide a to-scale plot plan showing:				
a1. Location, bearings & distances of all property lines of Parcel where Gravel Operations are proposed		✓		<i>plan</i>
a2. Location of all properties abutting Parcel, names of owners of these properties, and assessors' tax map and lot number of each abutting property		✓		<i>plan</i>
a3. Existing elevations & contours of the land, 'expressed in feet above sea level,' both within and extending 100 ft. beyond boundaries of Parcel at internals not to exceed 10 ft in elevation. Scale on map		✓		<i>plan</i>
a4. Locations, names, & widths of existing roads & rights-of-way within or adjacent to Parcel		✓		<i>plan</i>
a5. Direction of existing surface water drainage (flow) across the Parcel		✓		<i>plan</i>
a6. Location of any private water supply located within 300 ft of boundary of proposed Gravel Operations		✓		<i>none shown</i>
a7. Location of any public water supply located within 1000 ft of boundary of proposed Gravel Operations		✓		"private"

	Yes	No	Comments / Conditions
a8. Location of open drainage courses (streams and springs), wetland, stonewalls, graveyards, fences, stands of trees and other important or unique natural areas and site features within the Parcel, including, but not limited to, floodplains, deer wintering areas, significant wildlife habitats, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with a description of such features	<input checked="" type="checkbox"/>		Current application expansion sufficient information relevant to this. complete this (gravel)
b. Documentation of average seasonal high water table level (expressed in feet above mean sea level) within the area where Gravel Operations are proposed. Water table shall be determined by use of monitoring wells. At least 1 well shall be installed for each 5 acres, and additional fraction thereof, of proposed Gravel Operations to determine average seasonal high water table for entire permitted area.	<input checked="" type="checkbox"/>		1 well in operations area isn't expressed in sea level else.
c. Documentation of water quality as determined from samples taken from each monitoring well. Fields parameters measured and recorded shall be pH; specific conductance, turbidity, and temperature. Laboratory analysis shall include iron, manganese, Volatile Petroleum Hydrocarbons and Extractable Petroleum Hydrocarbons. Samples shall be take by a certified professional hydrologist or registered professional engineer and analyses shall be completed by an approved laboratory	<input checked="" type="checkbox"/>		None provided.
<b>3. PROPOSED PIT – on the to-scale map required in C.2.a. above, the applicant shall also include:</b>			
a. Portion of the Parcel for which the applicant seeks a Gravel Permit (hereafter, Pit or Gravel Pit)	<input checked="" type="checkbox"/>		<del>Add distance: 6'0" is acceptable</del>
b. Location, bearings and distances of the boundaries of the Gravel Pit	<input checked="" type="checkbox"/>		<del>on plan</del>
c. Location of all setbacks and buffers within the Parcel	<input checked="" type="checkbox"/>		<del>17'-6" + 4'-4" = 22' access</del>
d. Area, in acres, of the Pit			
<b>4. PROPOSED OPERATIONS</b>			
a. The area(s) of proposed Gravel Operations during the life of the permit	<input checked="" type="checkbox"/>		
b. The area(s) of proposed Restoration during the life of the permit	<input checked="" type="checkbox"/>		
c. If applicable, the area(s) of Gravel Operations during the life of the immediate prior permit	<input checked="" type="checkbox"/>		
d. If applicable, the buffer strip(s) of Restoration during the life of the immediate prior permit.	<input checked="" type="checkbox"/>		
e. The buffer strip(s) to be maintained as required in Section 8.A.	<input checked="" type="checkbox"/>		<del>or plan</del>
f. Location of all access roads, existing and proposed, from a public roadway to the proposed Pit	<input checked="" type="checkbox"/>		<del>2 roads</del>
g. Location and dimensions of all buildings and structures, existing and proposed, whether temporary or permanent, within the Parcel	<input checked="" type="checkbox"/>		<del>new structure</del>
h. Size, location, intensity and direction of all outdoor lighting	<input checked="" type="checkbox"/>		<del>"DNR E" P.3</del>
i. Location of hazardous material storage areas including, but not limited to, fuel storage & handling	<input checked="" type="checkbox"/>		<del>None P.3</del>
j. Location of observational wells, existing or to be installed, to be used to monitor the separation distance between the excavation floor of the Pit and the average seasonal high water table elevation	<input checked="" type="checkbox"/>		<del>15' present; 4 additional wells required</del>
<b>5. Estimated longevity of the Gravel Pit based on anticipated removal rates</b>			
<b>6. Written plan describing how setback and screening requirements (Sections 8A &amp; 8B) shall be met</b>	<input checked="" type="checkbox"/>		

	Yes	No	Comments / Conditions
7. Written plan for monitoring the separation distance between the excavation floor of the Pit and the average seasonal high water table.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Meet & plan for 5' water
8. Written plan describing proposed washing operations & its impact on ground water quality/quantity	<input checked="" type="checkbox"/>		"house"
9. Type, size and location any equipment, plans for blasting, or other procedures that are likely to generate appreciable noise at the lot lines		<input checked="" type="checkbox"/>	P-25-6
10. Estimate of the average daily traffic generated by Gravel Operations during periods of operation	<input checked="" type="checkbox"/>		P-25
11. Written soil erosion & sedimentation control plan prepared in accordance with standards contained in the latest revision of Best Management Practices as established by State; indicate catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers to be installed or created on the Plan	<input checked="" type="checkbox"/>		P-25
12. Written Restoration Plan describing in detail the manner in which the Gravel Pit shall be restored in accordance with the provisions described in Section 8.D.	<input checked="" type="checkbox"/>		P-26 nts plan for escrow (5k/yr)
13. Copies of all submissions to, and permits or licenses issued by, federal or state agencies	<input checked="" type="checkbox"/>		

The applicant is determined to be \_\_\_\_\_ complete;  incomplete; \_\_\_\_\_ complete with conditions noted

Signed K. Sturz Title Secretary Date 9/17/13

# Town of Lamoine -- Gravel Pit Permit

The Lamoine Planning Board finds the owner/operator listed below to be in compliance with the Lamoine Gravel Ordinance and permits operation from this date until the expiration date listed below. The owner/operator must comply with all local, state and federal regulations regarding gravel pit extraction operations, restoration, and any conditions listed below.

**Owner:** Harold MacQuinn, Inc  
PO Box 789  
Ellsworth, ME 04605

**Operator:** Harold MacQuinn, Inc  
PO Box 789  
Ellsworth, ME 04605

**Map 3  
Lot 31 & 33**

**Effective Date:** January 4, 2011  
**Expiration Date:** September 30, 2013

## Conditions:

- Ordinance item 8A—Excavation. A ten-foot (10') natural buffer shall be maintained along the west, south and east boundaries of the leased area on Lot 31 (the boundaries which abut the remaining land of Miro) as well as that portion of the north boundary of the leased area which abuts the non-permitted area of MacQuinn property in Lot 33. A ten-foot (10') natural buffer shall be maintained along the west boundary of the permitted area of MacQuinn in Lot 33 (the boundary which abuts land of Miro), and along that portion of the north boundary of the permitted area of MacQuinn in Lot 33 which abuts the land of Manring (Lot 35). It is the consensus of the Planning Board that a “natural buffer” precludes the use of that 10' buffer for a road within the permitted area (other than an access road crossing over the buffer to gain access to the permitted area) and that any road currently within the natural buffer area shall be discontinued. The ten-foot (10') *Authorized Signature:*
- buffer strip needs to be so indicated on the submitted map
- Ordinance item 8-C Groundwater protection. The fueling pad located at the northwest corner of the permitted area needs to be repaired or replaced to ensure its intended function

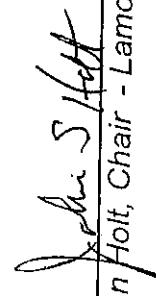
*John S Holt*  
John Holt, Chairman  
Lamoine Planning Board

# Town of Lamoine – Gravel Permit

The Lamaine Planning Board finds the owner/operator listed below to be in compliance with the Lamaine Gravel Ordinance and permits operation from this date until the expiration date listed below. The owner/operator must comply with all local, state and federal regulations regarding gravel pit extraction operations, restoration, and any conditions listed below.

Owner	Operator	Pit Name	Asher Pit
Harold MacQuinn, Inc. PO Box 789 Ellsworth, ME 04605	Harold MacQuinn, Inc PO Box 789 Ellsworth, ME 04605	Map Lot(s)	3 31 & 33
		Effective Date	January 14, 2014
		Expiration Date	October 31, 2016
Conditions:			
1. The applicant shall install one additional monitoring well on the easterly portion of the parcel and four additional monitoring wells on the westerly portion; these wells shall extend into the water table and shall be suitable for drawing samples for water quality testing; further, these wells shall be located within the pit areas in order to give a fair picture of the water table and the soils lying beneath the 22 acres of the two sites; further, that a report be submitted to the Planning Board immediately on the water table level results of the new easterly section well; and finally, that the a report be submitted to the Planning Board on the data from all five wells by May 1, 2014. No excavation can occur in the easterly portion until the Planning Board has reviewed the data from the new well in that area and finds that excavation can safely occur.			
2. The applicant shall submit an amendment to the Restoration Statement clearly stating that the Restoration Plan will address all requirements (a – e) in Performance Standard 8D(1)			

Authorized Signature:

  
John Holt, Chair - Lamaine Planning Board

# Town of Lamoine -- Gravel Pit Permit

The Lamoine Planning Board finds the owner/operator listed below to be in compliance with the Lamoine Gravel Ordinance and permits operation from this date until the expiration date listed below. The owner/operator must comply with all local, state and federal regulations regarding gravel pit extraction operations, restoration, and any conditions listed below.

**Owner:** Harold MacQuinn, Inc  
PO Box 789  
Ellsworth, ME 04605

**Operator:** Harold MacQuinn, Inc.  
PO Box 789  
Ellsworth, ME 04605

**Map 3  
Lot 31,33**

**Effective Date:** May 6, 2008  
**Expiration Date:** September 30, 2010

## Conditions:

*Authorized Signature:*

*Michael Z. Garrett*

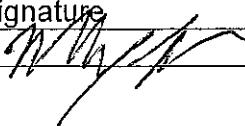
Michael Garrett  
Michael Garrett, Secretary  
Lamoine Planning Board

Town of Lamoine – Gravel Pit Inspection Worksheet

Map #	31	Inspection Date	5/17/12
Owner	John Miro	Operator	Harold MacQuinn, Inc
Physical Location	Douglas Highway		

Performance Standards

Standard	Yes	No	Comments
Is 50' buffer zone on all boundary lines?	X		
Are all boundaries clearly marked by flagging, signs or posts?	X		
Is there any erosion or runoff that can affect neighboring properties?		X	
Is water level in compliance	X		Level =
Existing gravel pit	X		Type =
Is pit very close to water table?		X	
If variance required, have requirements been met?			
Any storage tanks for petroleum products, metal or oil stored in the pit?		X	
Is fuel storage in compliance?	X		
Spill Prevention Count	X		
Any areas being actively restored?		X	
Material storage			
Slope			
Do trucks have proper covering in place?	X		
Are entrance gates controlled by locking device?		X	
Any workers before sunrise?		X	
Any workers after sunset?		X	
Any workers on Sundays?		X	
Any other reason?		X	

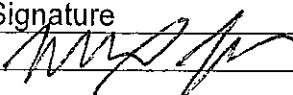
Inspector	Signature	Date
Michael Miro		6/1/12

Town of Lamoine -- Gravel Pit Inspection Worksheet

Map 3	Lot 33	Inspection Date	5/17/12
Owner	Harold MacQuinn, Inc	Operator	
Physical Location	Douglas Highway		

Performance Standards

Standard	Yes	No	Comments
Is 50' buffer in place on all boundary lines?	X		
Are all boundary lines clearly marked by flagging, stakes or posts?	X		
Is there any erosion or runoff that can affect neighboring properties?		X	
Is water level in compliance	X		Level =
Existing screening for pit	X		Type =
Is pit varianced for work within 2-feet of water table		X	
If varianced, have requirements been met?			
Any stumps, timber, petroleum products, metal or rubbish stored in the pit?		X	
Is fuel & lubricant storage in compliance?	X		
Spill Prevention Control & Countermeasures?	X		Refilling pad needs to be fixed
Any areas in pit currently being restored?	X		Started grading some of West side of pit
Material Used for Restoration			
Slope of restored area?			
Do trucks leave pits with covering in place?	X		
Are entrances to pit controlled by locking gates or cables?	X		
Any work being done before sunrise?		X	
Any work being done after sunset		X	
Any work being done on Sundays?		X	
Any excessive noise levels for any reason?		X	

Inspected by	Signature	Date
Michael Jordan		6/1/12

**Lamoine Gravel Pit Restoration Monitoring Format – G.Donaldson Notes 9/13/10**  
 (Restoration required in all “discontinued” portions and as designated on permit maps)

Pit Name	Date of Permit	Date of Restoration Work*	Date of Inspection	Condition of Restoration**	Actions Taken
McDevitt RF Jordan Map 3-4	10/07	Summer 2009	9/13/10	[See 4 pictures] *growing mix of grasses/weeds * S Salsbury: will plant trees at 2-years (summer 2011) *slope steeper than 2.5:1	Check for trees 2011 Next restoration due summer 2012 (2010 permit)
Kittredge (Macquinn)	10/07	Spring 2010 a 70 foot section on West side	9/13/10	[See 3 pictures: N, W, S w/ pad] *fueling pad badly eroded; not impervious material *North restoration (pre- 2007) inadequate? *West section: good cover from pre-07; meager cover from this year's planting; does not extend as far as '07 map shows	

Pit Name	Date of Permit	Date of Restoration Work*	Date of Inspection	Condition of Restoration**	Actions Taken
Asher (Macquinn) grandfathered	10/07	None in past 3 years (or before)	9/13/10	[See 3 pictures: E, N, W] *No new restoration *Still shows open gravel slopes of greater than 2.5:1 on East *North and West mostly covered *test well and building not shown on map *operator taking minimum out to keep pit open	(pit is at boundary limits to East and South; also West?)
Beal Pit (Macquinn) grandfathered	10/07	None in past 3 years (or before)	9/13/10	[See 2 pictures: E, N] • Very spotty • Operator taking minimum out to keep pit open	(pit is at boundary limits to South, West, and North)
Jones Pit (Macquinn) grandfathered	10/07	None in past 3 years (or before)	Did not visit		

Pit Name	Date of Permit	Date of Restoration Work*	Date of Inspection	Condition of Restoration**	Actions Taken
Higgins Pit (Macquinn) Map 20-12 (North side of road)	10/07	None done	9/13/10	[3 pictures: S along road; SW; * insufficient; does not comply with 2007 permit	2010 permit app identifies very small restoration area Pit is at boundary limits along road and SW along Higgins/cemetery
Higgins Pit (Macquinn) Map 20-13 (South side of road)	10/07	None done	9/13/10	[2 pictures: W and N] No evidence of restoration * Operator taking minimum out to keep pit open	

- \*“Restoration shall be completed within one year of the date on which discontinuance occurred.” (D)
- \*\* Two years from restoration date, at least 85% of planted vegetation will “thrive”. (D)



Engineers • Environmental Scientists • Surveyors

August 25, 2016

Mr. Paul MacQuinn  
Harold MacQuinn, Inc.  
P.O. Box 789  
Ellsworth, ME 04605

Re: Groundwater Sampling – Higgins, Kittridge, Asher, and Beal Gravel Pits

Dear Mr. MacQuinn:

CES, Inc. (CES) conducted groundwater level gauging and water quality sampling at the above referenced gravel pits owned by Harold MacQuinn, Inc. Site Plans depicting the pits, monitoring well locations, and groundwater contours based on August 2016 data are attached for reference. *Note that due to the very low precipitation in 2016, water levels at shallow monitoring wells at the Asher and Beal pits, as well as the shallow well at the Kittridge pit (OW-1A) declined to levels below the depth of the wells. It is anticipated that water levels will rebound to normal levels in the Fall of 2016 and the “dry” wells can will be sampled at that time. In future years, water levels will be monitored semi-annually so that samples can be collected when water levels are near “normal” levels.*

#### GROUNDWATER LEVEL MONITORING

Water levels were attempted to be measured on August 8, 2016 at all four pit locations. As noted above, wells at the Asher and Beal Pits and one well at Kitteridge (OW-1A) were below the bottom of the well (dry) because of extremely low precipitation in 2016. Therefore, water level contour maps are only provided on Figures 1 and 2 for the Higgins Pit and Kittridge Pit, respectively. The scope of work included collecting groundwater samples from two wells at the Kittridge Pit (third well was dry) and three wells at the Higgins Pit. The wells were sampled for analysis of Volatile Petroleum Hydrocarbons (VPH), Extractable Petroleum Hydrocarbons (EPH), iron, and manganese as required by the by the Lamoine Gravel Ordinance

#### GROUNDWATER SAMPLING

##### Sample Collection

On August 8, 2016, CES collected groundwater samples from the following locations and monitoring wells:

- ◆ Kittridge Pit – OW-2 and MW-4
- ◆ Higgins Pit – OW-1, OW-3 and OW-4





Depending on depth to water, a peristaltic pump or PVC bailer was used to purge water from the well and collect a sample for laboratory analysis. During purging, field parameters including temperature, pH, conductivity, dissolved oxygen, and turbidity were measured using a Hanna HI8929 field portable water quality instrument and recorded on a groundwater sampling log. These parameters were monitored until they were determined to be stable. After the parameters stabilized, groundwater samples were collected in laboratory provided containers.

After collection, the samples were placed on ice and delivered to Alpha Analytical Laboratory in Westborough, Massachusetts under Chain of Custody protocol for analysis of Volatile Petroleum Hydrocarbons (VPH), Extractable Petroleum Hydrocarbons (EPH), iron, and manganese. All samples were received by the laboratory in acceptable condition within the appropriate holding times.

#### Analytical Results

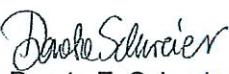
EPH and VPH compounds were not detected in any of the groundwater samples collected during the August 2016 sampling events. Iron and manganese concentrations reported by the laboratory are considered consistent with background conditions and previous results. **Table 1** summarizes laboratory analytical results and field parameters. The laboratory analytical reports and Field Sampling Data Sheets are included in **Attachment A**.

Analytical data do not indicate adverse effects to groundwater quality due to Site operations.

If you have any questions regarding this letter report, please feel free to contact us at (207) 795-6009.

Sincerely,  
CES, Inc.

  
Michael A. Deyling, C.G., P.Hg.  
Senior Project Manager

  
Dorota E. Schweier  
Technician

MAD/DES/jna

Enc.

## KITTRIDGE & MIRO GRAVEL PITS

### PERMITTING HISTORY

November 9, 2010

To : Lamoine Planning Board

From : Stephen R. Salsbury, agent for Harold MacQuinn, Inc.

January 6, 1997

According to the planning board minutes, the original Kittridge pit permit was approved, Map 3 Lot 33. Original excavation was going to take place on the east side of the property by blueberry field. At the request of the planning board, proposed extraction was later moved to the front of the lot near the highway. Conditions included that the applicant would provide a color coded map and landscaping/restoration plan.

December 6, 1999

Second Kittridge pit permit approved. Map 3 Lot 33. No conditions.

December 3, 2002

Third Kittridge pit permit approved. Map 3 Lot 33. Standard conditions for access, restoration and well monitoring.

December 1, 2003

DEP permit for 30 acres of excavation within the Kittridge Pit issued. A performance bond was posted in the amount of \$72,000.

July 6, 2004-October 27, 2004

From the planning board minutes, the gravel extraction permit approval for Miro/Kittridge lot was granted on July 6, 2004, Map [7] 3 Lot 31. Standard conditions for access, restoration and well monitoring.

Town records are fragmented regarding the site plan review application and approval. Herrick & Salsbury, Inc. was not involved in the permit application except for providing Harold MacQuinn, Inc. a black and white base map.

The facts on record:

- \$1,400 fee paid to Town of Lamoine for site plan review. See notation on checklist.
- Email from Michael Garrett to Stu Marckoon dated June 2, 2004 indicating planning board position that the **whole pit** (emphasis) is subject to planning board site plan review. The minutes to the meeting indicate that the board felt that the **entire** (emphasis) project falls within the scope of the site plan review.
- Email from Attorney Anthony Beardsley to Stu Marckoon dated July 6, 2004 with a determination that the town cannot charge for the existing MacQuinn pit, but could charge for the expansion area.

**KITTRIDGE & MIRO**

**November 9, 2010**

**Page 2**

- August 3, 2004, according to the planning board minutes, the planning board determined that the permit fee applies only to the parts designated for expansion (per town attorney). Application voted complete with conditions.
- August 31, 2004 Gravel extraction permit completeness review (from the minutes on record). Application voted complete with condition.
- October 27, 2004 Public hearing for site plan review. According to the minutes, the Planning board reviewed the performance criteria for site plan review. Board initially found in favor in all but criteria #10, groundwater protection. Board consensus that site plan permit, once granted, good for life of project. Water quality and quantity can be considered during annual inspections and at three year gravel extraction renewal. Voted 4-1 to approve site plan permit, no conditions.

**Commentary:**

No record found approving gravel extraction permit for Map 3 Lot 33.

Planning board did site plan review all acreage (30 acres for Miro lot and 35 acres for Kittridge lot). Site plan review is a one time permit for the life of the project.

May 31, 2005

DEP Notice of intent to comply (NOI) submitted to DEP for Miro Lot. The NOI is for extraction activities/open gravel pit between 5 to 10 acres.

May 6, 2008

Kittridge/Miro gravel extraction permit approved. Map 3 Lots 31 & 33. First Herrick & Salsbury application to planning board. No conditions. Expiration date to be September 30, 2010. Routine renewal. No discussion in minutes. No issues raised at meetings or site visit by my notes.

Conditions associated with the Gravel Permit issued to Harold MacQuinn, Inc. for the pit located on Map 3, Lots 31 & 33. Voted by the Planning Board at its Jan 4, 2011 meeting

Review item 8A. Excavation.

A ten-foot (10') natural buffer shall be maintained along the west, south, and east boundaries of the leased area on Lot 31 (the boundaries which abut the remaining land of Miro) as well as that portion of the north boundary of the leased area which abuts the non-permitted area of MacQuinn property in Lot 33. A ten-foot (10') natural buffer shall be maintained along the west boundary of the permitted area of MacQuinn in Lot 33 (the boundary which abuts land of Miro), and along that portion of the north boundary of the permitted area of MacQuinn in Lot ~~31~~ <sup>33</sup> which abuts the land of Manring (Lot 35).

It is the consensus of the Planning Board that a "natural buffer" precludes the use of that 10' buffer for a road within the permitted area (other than an access road crossing over the buffer to gain access to the permitted area) and that any road currently within the natural buffer area shall be discontinued.

The ten-foot (10') buffer strip needs to be so indicated on the submitted map.

Review items 8C. Groundwater protection.

The fueling pad located at the northwest corner of the permitted area needs to be repaired or replaced to ensure its intended function.

**Town of Lamoine – Planning Board**  
**Gravel Permit Findings & Fact & Decision**

Applicant(s)	Harold MacQuinn, Inc	Date Reviewed	1/4/11
Map & Lot	Map 3 Lot 31 & 33	Fee Received	\$300.00
# of Acres	20	Date Application Found Complete	11/9/10
New or Renewal	Renew/expansion	Date of Public Hearing (if any)	12/7/10

Review Criteria	Item	Yes Votes	No Votes	N/A Votes	Reason for Vote No
	1. Will not unreasonably result in unsafe or unhealthful conditions.	5	0		
	2. Will not unreasonably result in erosion or sedimentation.	5	0		
	3. Will not unreasonably result in water pollution, nor affect adversely existing ground water, springs, or ponds.	5	0		
	4. Will conserve natural beauty in keeping with the restoration provisions of this ordinance.	4	1		
	5. Will not adversely affect public ways.	4	1		
	6. Will not adversely affect surrounding properties.	5	0		
	7. Is in conformance with the performance standards of Section 8.				
Section 8A. Excavation		5	0		w/ condition
Section 8B. Screening		5	0		
Section 8C. Groundwater Protection		5	0		w/ condition
Section 8D. Restoration		5	0		
Section 8E. Transportation		5	0		
Section 8F. Access		4	1		
Section 8G. Hours of Operation		5	0		
Section 8H. Noise		5	0		
Section 8I. Report Required		5	0		

Based on the above findings of fact, this application is Approved Denied ~~Approved~~ with conditions. (List reasons for denial or conditions on back)

Jean S. Hart, Chair – Lamoine Planning Board  
 (Planning Board to fill out one copy of this form and submit it as part of the official file of the above referenced project)



LAND SURVEYORS  
P.O. Box 652 • 130 Oak Street, Suite 1  
Ellsworth, Maine 04605

Tara A. Hartson, P.L.S.  
Richard C. Salsbury, P.L.S.  
Stephen R. Salsbury, P.L.S.

Tel.: 207-667-7370  
Fax: 207-667-7384  
Email: [surveyor@herrickandsalsbury.com](mailto:surveyor@herrickandsalsbury.com)

January 12, 2010

Lamoine Planning Board  
606 Douglas Highway  
Lamoine, ME 04605

Re: Kittredge/Miro Pit

Dear Mr. Chairman:

Thank you for the reconsideration of the application. We have a much better understanding of the approval and conditions.

In that regard, please find enclosed two copies of our revised plan. Please adopt this plan as the approved plan. We revised the buffers to 10 feet from points A-B-C-D-E that Gordon and I inked onto a copy of the plan. We also adjusted the road location going up the hill and the access road now will honor a 10 foot buffer.

The one remaining condition, restoring the fuel pad, will be taken care of the next time MacQuinn has machinery in the pit.

I appreciate your time in this matter.

Sincerely,

*Steve*

Stephen R. Salsbury, PLS

SRS:bc  
Encs.  
Pc: Paul MacQuinn

# Town of Lamoine – Gravel Permit

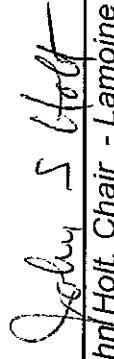
The Lamoine Planning Board finds the owner/operator listed below to be in compliance with the Lamoine Gravel Ordinance and permits operation from this date until the expiration date listed below. The owner/operator must comply with all local, state and federal regulations regarding gravel pit extraction operations, restoration, and any conditions listed below.

Owner	Operator	Pit Name	Kittridge
Harold MacQuinn, Inc PO Box 789 Ellsworth, ME 04605	Harold MacQuinn, Inc PO Box 789 Ellsworth, ME 04605	Map Lot(s)	3 31,33
		Effective Date	12/5/2016
		Expiration Date	September 30, 2019

Conditions:

1. Proposed screening in buffer area at west end of lot 31 on Map 3 must be completed by June 30, 2017

Authorized Signature:

  
John Holt, Chair - Lamoine Planning Board

**TOWN OF LAMOINE - PLANNING BOARD  
GRAVEL PERMIT - FINDINGS OF FACT & DECISION  
Revised 4/18/2014**

Applicant	Harold MacQuinn, inc	Map(s) & Lot(s)	M3 L31&33
Public hearing date	10/3/16	Number of acres	22
PB Review date	10/3/16 <del>10/3/16</del> <del>10/7/2016</del> <del>(TSF)</del>	Fee received?	\$450.00

**PERFORMANCE STANDARD**

	YES	NO	REASON FOR NO VOTE or CONDITIONS
<b>A. Set-backs</b>	5	0	<p>A1. A buffer strip of at not less than 100 feet in width shall be maintained between the boundary of the Gravel Pit and the boundary of the Parcel on which the Pit is located. However, A1a. the buffer strip between permitted Gravel Pits on abutting Parcels may be eliminated with the written permission of both owners, provided the elimination of the buffer strip does not increase the runoff from either excavation across the property boundary.</p> <p>A1b. excavation in the 100-foot buffer strip may take place not less than fifty (50) feet from the Parcel boundary when conditions stated in A.2., A.3., and A.4. are met:</p> <ul style="list-style-type: none"> <li>b1) the Parcel or part thereof on which the Gravel Pit is located had been granted a Site Plan Review Permit for a Gravel Pit;</li> <li>b2) the owner of the abutting property grants written permission for the excavation to occur. Such written agreement shall be recorded at the Hancock County Registry of Deeds, making reference to the title deed of the owner of each such abutting Parcel;</li> <li>b3) excavation within the buffer strip may not exceed the 2.5-1.0 slope as required and described in Section 8.D.1.a (Restoration);</li> <li>b4) the area within the buffer strip anticipated to be excavated during the life of</li> </ul>

*Gravel Pit Zoning Fact & Decision*  
 10/3/16 22 acres MZ (31433)

the Permit must be specified in the application and will be considered as part of the Pit, and b5) reclamation of the area designated in 4) above must be completed prior to the expiration of the Permit.				
A2. A buffer strip of not less than 150 feet in width shall be maintained between the boundary of the Pit and an existing private drinking water supply. A buffer strip of at least 1,000 feet shall be maintained between the boundary of the Pit and any public water supply.	50			
A3. A buffer strip of not less than 100 feet in width shall be maintained between the boundary of the Pit and the nearest edge of any public road, public right-of-way or the nearest edge of any private road serving as the principal road in a subdivision.	50			
A4. A buffer strip of not less than 250 feet in width shall be maintained between the boundary of the Pit and the normal high-water line of any great pond, river or saltwater body, and the upland edge of a coastal or freshwater wetland; a buffer strip of not less than 75 feet in width shall be maintained between the boundary of the Pit and the normal high-water line of a stream. (See Shoreland Zoning Ordinance for these and other restrictions which may apply.)	50			
A5. The Planning Board shall have the authority to require wider buffer areas if it determines that the above set-back distances are insufficient to achieve the purposes of protecting private and public water supplies, screening gravel operations from public view, and protecting water bodies, tributary streams or wetlands as noted in A.2., A.3., and A.4. above.				
<b>B. Screening.</b> Screening within all required buffer strips as described in paragraph A, above shall be required in order to prevent direct view of Gravel Operations from any private residence and/or business, public road, public right-of-way and private road serving as a principal road in a subdivision and to reduce the volume of noise generated from Gravel Operations. Natural features such as trees, shrubbery, berms and hills shall be maintained as screening where possible. Where such natural features are not present or are insufficient to provide the required screening, the Planning Board may require construction of fences and/ or additional plantings. Where topography makes it impracticable to screen gravel operations from public view, the Planning Board	50	Condition: Proposed screening in buffer area at west end of lot #31 must be completed by June 30, 2017		

Comprehensive Plan of the Town.			
<b>N. Additional Standards</b> The Planning Board shall have the authority to apply additional standards and impose such conditions not otherwise specified in this Ordinance as may be necessary to minimize any adverse effects associated with Gravel Operations on public health and safety and on surrounding land uses and resources.			

Based on the above review and findings of fact, this application is:

Approved

Denied – (Reasons for denial attached to this form)

Approved with conditions – (Conditions attached to this form)

*John S. Holt*, Chair - Lamoine Planning Board

(215)2016  
Condition #2 filed.  
Permit issued 12/5/2016

Condition 1. Proposed screening in buffer area at west end of lot 31 on map 3  
must be completed by June 30, 2017

Condition 2. A Notice of Intent of Reston in Gravel At a Mine must be filed  
for map 3, lot 31 at the Hancock City Registry of Deeds and a copy  
submitted to the Chair of the Planning Board by December 7, 2016, before  
the Gravel Permit for this application will be issued. When it is issued,  
the Gravel Permit for this application will expire September 30, 2019. No further gravel  
activities shall occur until the permit is renewed. By vote of the Board  
of John Holt, on 12/5/2016.



## Groundwater Elevation Results

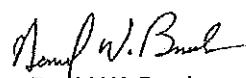
**Table 2** summarizes the 2016 water level measurements. The Field Sampling Data Sheets are included in **Attachment A**. Measurements are lower than historical levels which is attributed to the 2015-2016 drought conditions. Many wells in the area have been reported to have low levels or be dry this year.

If you have any questions regarding this letter report, please feel free to contact us at (207) 795-6009.

Sincerely;  
CES, Inc.



Michael A. Deyling, C.G., P.Hg.  
Senior Project Manager



David W. Brooks  
Senior Groundwater Hydrologist

MAD/DWB/jna

Enc.

Mr. Paul MacQuinn | 10.18.2016 | 10390.001 | Page 3

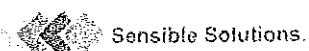


TABLE 1  
2016 GROUNDWATER DATA SUMMARY

Location	Date	Iron (mg/L)	Manganese (mg/L)	Naphthalene (mg/L)	Laboratory Analytical Results				Field Sampling Parameters			
					C11-C22 Aromatics (mg/L)	All other EPH Compounds (mg/L)	All VPH Compound s (mg/L)	Temperature (°C)	pH (STU)	Specific Conductivit y (ms/cm)	Dissolved Oxygen (mg/L)	Turbidity (NTU)
MEG	5	0.5	0.01	0.2	-	-	-	-	-	-	-	-
MCL	0.3 <sup>s</sup>	0.05 <sup>s</sup>	-	-	-	-	-	-	-	-	-	-
OW-1A Kittridge*	08/08/16	NS-DRY	NS-DRY	NS-DRY	NS-DRY	NS-DRY	NS-DRY	NS-DRY	NS-DRY	NS-DRY	NS-DRY	NS-DRY
OW-1AD Kittridge	09/21/16	150	15.4	<0.1	ND	ND	ND	14.7	7.44	265	8.6	~4700
OW-2 Kittridge	08/08/16	0.55	0.0171	ND	ND	ND	ND	11.5	7.57	167	5.7	12
MW-4 Kittridge	08/08/16	0.35	ND	ND	ND	ND	ND	10.6	8.11	42	10.2	12
OW-1 Higgins	08/08/16	ND	0.0296	ND	ND	ND	ND	16.3	6.07	35	1.1	0
OW-3 Higgins	08/08/16	0.29	ND	ND	ND	ND	ND	9.9	7.17	58	9.2	13
OW-4 Higgins	08/08/16	0.25	0.0153	ND	ND	ND	ND	10.1	7.08	156	5.8	12
MW-1 Asher	08/08/16	NS-DRY	NS-DRY	NS-DRY	NS-DRY	NS-DRY	NS-DRY	NS-DRY	NS-DRY	NS-DRY	NS-DRY	NS-DRY
MW-1 Asher	09/21/16	46	1.66	<0.0004	0.358	ND	ND	11.6	6.38	83	8.8	115
OW-1 Beal	08/08/16	NS-DRY	NS-DRY	NS-DRY	NS-DRY	NS-DRY	NS-DRY	NS-DRY	NS-DRY	NS-DRY	NS-DRY	NS-DRY
OW-1 Beal	09/21/16	49	2.15	0.00046	<0.1	ND	ND	17.0	6.8	123	8.9	183

Notes:

\*Observation Well OW-1A is a replacement well for OW-1

D Wells with a D designation were installed adjacent to the previously named well deeper because the wells were dry during the August 2016 sampling event and could not be sampled.

ND = Not detected above the laboratory detection limit

NS = Not Sampled

J = Estimated concentration below laboratory detection limit

NTU = Nephelometric Turbidity Units

STU = Standard Unit

MEG = Maximum Exposure Guideline State of Maine Guidance

0.358 Water quality exceeds a Maine Maximum exposure guideline.

MCL = Maximum Contaminant Level Federal Standard

S = Secondary Drinking Water Standard

150 Water quality exceeds a Federal Secondary Drinking Water Standard

mg/L = milligrams per liter or parts per million

µg/L = micrograms

µs/cm = microsieemens per centimeter

**TABLE 2**  
**2016 GROUNDWATER ELEVATION SUMMARY**

Well ID	Date	Depth to Water (Feet-TOR)	Estimated Depth Below Ground Surface (Feet-BGS)
<b>Kittridge Pit</b>			
OW-1A*	8/8/2016	DRY >13.1	>10.1
OW-1AD	9/21/2016	15.49	12.49
OW-2	8/8/2016	69.29	66.29
MW-2	8/8/2016	30.46	27.46
MW-4	8/8/2016	58.21	55.21
PB-1	8/8/2016	135.48	132.48
PB-2	8/8/2016	154.05	151.05
PB-3	8/8/2016	155.28	152.28
PB-4D	8/8/2016	101.2	98.20
<b>Higgins Pit</b>			
OW-1	8/8/2016	13.42	10.42
OW-2	8/8/2016	74.13	71.13
OW-3	8/8/2016	78.06	75.06
OW-4	8/8/2016	67.59	64.59
<b>Asher Pit</b>			
MW-1	8/8/2016	Dry >10.18	>7.16
MW-1D	9/21/2016	11.08	8.08
<b>Beal Pit</b>			
OW-1	8/8/2016	Dry >8.06	>5.06
OW-1D	9/21/2016	9.49	6.49

\*OW-1A

\* signifies this was a replacement well for OW-1

D

D designates a deeper replacement well installed adjacent the previous well that was dry in August 20

TOR

Depth to water from top of riser pipe.

NGVD 1929

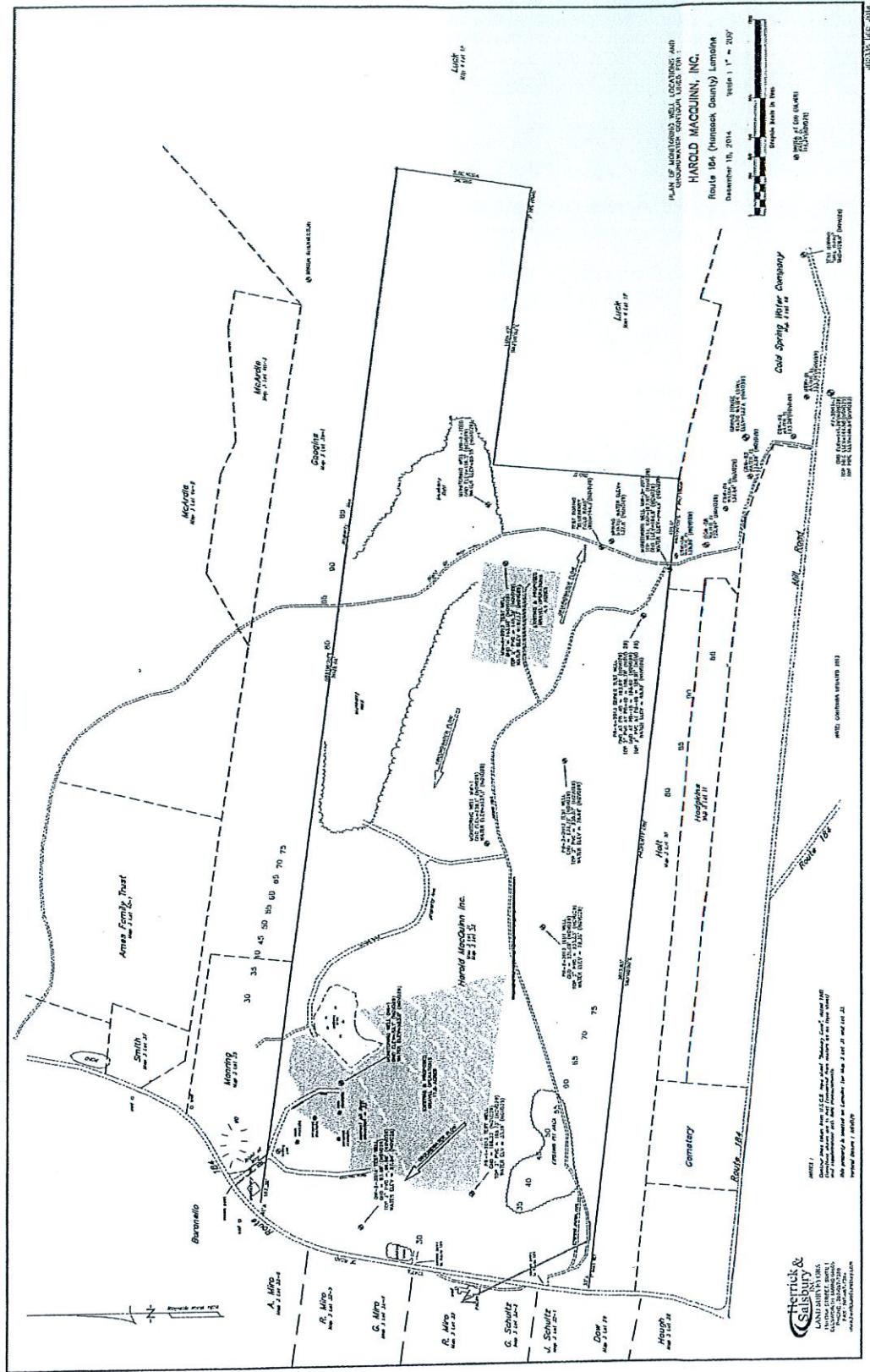
Elevations are referenced to the National Geodetic Vertical Datum of 1929

**TABLE 2**  
**GROUNDWATER ELEVATION SUMMARY**

Date		8/8/2016	
Well ID	Top of PVC Elevation	Depth to water	GW Elevation
Kittridge Pit			
OW-1A*	46.2	DRY	<33.1
OW-2	96.96	69.29	27.67
MW-2	116.3	30.46	85.84
MW-4	145.39	58.21	87.18
PB-1	168.73	135.48	33.25
PB-2	233.53	154.05	79.48
PB-3	235.07	155.28	79.79
PB-4D	186.78	101.2	85.58
Higgins Pit			
OW-1	94.89	13.42	81.47
OW-2	161.12	74.13	86.99
OW-3	172.3	78.06	94.24
OW-4	163	67.59	95.41

\*OW-1A is a replacement well for OW-1

Elevation is referenced to NGVD29



Hi Steve:

Some of my reactions to your reply:

1. If I understand your letter, the short answer is No, you do not intend to provide the required information, or plans to obtain such, by October 8. There are several items in addition to water quality, water table data and monitoring wells which need to be supplied, as was identified in the September 17 meeting of the Board
2. How do you interpret Maine Revised Statutes, Title 38: Waters and Navigation, Chapter 3: Protection and Improvement of waters, Subchapter 1: Environmental Protection Board, Article 7: Performance Standards for Excavations for Borrow, Clay, Topsoil or Silt, 490-D 3. Groundwater Protection, where it reads:  
**Excavation may not occur within 5 feet of the seasonal high water table. A benchmark sufficient to verify the location of the seasonal high water table must be established and at least one test pit or monitoring well must be established on each 5 acres of unclaimed land.**  
The new ordinance is concerned to monitor the impact of gravel extraction on both the quantity and quality of groundwater, not just separation distances. Determining the benchmark water table level and water quality analysis in each 5 acres of permitted pit prior to excavation is necessary for this goal to be achieved. Once the wells are established to determine water table levels, they can be used to obtain samples for water quality analysis. The entire permitted area is subject to excavation and thus will be unclaimed land. Hardly arbitrary or unscientific.
3. You describe an elaborate water quality testing issue. All the ordinance asks is for some very specific measurements to take place (Section 7.C.2.c). SW Cole did this on the Stephen's lot which was part of Gott's application as few years back. I don't recall this being such an elaborate process as you describe.

Let me reiterate the decision of the Planning Board last evening. We need the data (or specific plans to obtain the data) by Tuesday the 8<sup>th</sup> to warrant an October 22 meeting. If the data is not present by the 8<sup>th</sup>, the next meeting of the Board will be November 12.

John Holt

**From:** Stephen Salsbury [mailto:[steve@herrickandsalsbury.com](mailto:steve@herrickandsalsbury.com)]

**Sent:** Wednesday, October 02, 2013 8:12 AM

**To:** 'John Holt & Joyce Cornwell'

**Cc:** 'Town of Lamoine'; CEO Mike Jordan; Edmond J. Bearor; Bob Granger; [jcpuddy@gmail.com](mailto:jcpuddy@gmail.com); [cgonaldson@myfairpoint.net](mailto:cgonaldson@myfairpoint.net); [perf@gwi.net](mailto:perf@gwi.net); [emkarate@midmaine.com](mailto:emkarate@midmaine.com); [living\\_the\\_dream66@yahoo.com](mailto:living_the_dream66@yahoo.com); Beth Gott; [ebearor@rudman-winchell.com](mailto:ebearor@rudman-winchell.com); John Goodwin Jr.; Patrick Jordan; Paul MacQuinn; Stephen R. Salsbury

**Subject:** RE: Gravel Pit applications

Morning John,

You were on my to do list yesterday and I just plain ran out of time. I need to ask for an extension on the permitting while we come up with a plan to address the water quality testing issue. It is no small task. To do this right, it appears that we may need to drill three wells at every site to determine the flow of the underground water, and then return to drill additional wells to put in the proper upstream (up gradient) side and downstream (down gradient) position(s) to monitor the groundwater entering the pits and exiting the pits. So on a 5 acre pit, it is conceivable that 4 or 5 wells could be needed. The same could be true for a 50 acre pit.

The ordinance call for simply putting one well every 5 acres was simply, in my opinion, very arbitrary and unscientific. Sorry, I know we don't agree on that. I challenge you to show me some science to support the simplistic standard of one well for every five acres for the purposes of monitoring water quality. The town has Mr. Gerber at its disposal and I suggest he be consulted in this matter before we all spend god knows how much more money on attorney fees and the pit owners would appreciate it before spending money simply drilling a well every 5 acres just to meet the arbitrary standard in the ordinance.

Alternatively, if the planning board will accept the current 8 or 9 pit applications as complete without the water quality testing issue settled, then we can move forward. Any plan I would submit to the planning board for water quality testing

would be based on scientific recommendations to monitor water quality along with plans to monitor vertical separation much like we do now, which is install test pipes as the pit is excavated, not prior to excavation. Almost certainly the scientific plan would not meet the 1 to 5 acre ratio, so my applications would still fall short of your current ordinance standard.

My feelings are that this recent round of gravel pit permit applications, dare I call them renewals, has exposed the shortcomings of the new gravel extraction ordinance. All 8 or 9 of these applications are properties that have been active gravel pits for at least 15 years. The Higgins property (owned by MacQuinn) being the newest operation to be permitted. The ordinance clearly needs a different pathway for reviewing permits concerning existing operations in my opinion.

As far as "renewals" go, to put this in context the select board can probably relate to, imagine living in a subdivision, which goes thru the same type of rigorous planning board review at the beginning, and having the planning board reevaluate the subdivision every three years. The planning board could say they don't like the road layout, so change the road and eliminate some of the subdivision lots because the board feels the lots are too crowded and by the way, now put some monitoring wells in because the ordinance says so. It's the same thing. We are starting from scratch now every three years under this new ordinance.

Sorry to ramble on, but this is where we are.

Regards,  
Steve Salsbury



Land Surveying·Land Use Consulting  
130 Oak Street, Suite 1 -- PO Box 652  
Ellsworth, Maine 04605  
**T** 207.667.7370 | **F** 207.667.7384 | **C** 207.266.0106  
[www.herrickandsalsbury.com](http://www.herrickandsalsbury.com)

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**From:** John Holt & Joyce Cornwell [<mailto:johnjoyce@midmaine.com>]  
**Sent:** Wednesday, October 02, 2013 6:08 AM  
**To:** Stephen Salsbury  
**Cc:** Town of Lamoine  
**Subject:** Gravel Pit applications

Hi Steve:

As of October 1, you have submitted no additional information with respect to the 9 incomplete Gravel Pit applications currently before the Planning Board.

In light of the October 31 expiration date for current permits for these pits, it is important that you provide the additional required information as soon as possible if the process of review is to continue. The Board discussed the situation and agreed to change the date of the previously scheduled October 15 meeting until October 22. However, that meeting will be held only if all the required information (or, in the instances where data is not yet available to you, specific plans to obtain the same) is provided by Tuesday, October 8, two weeks prior to the meeting. Otherwise, the Board will meet next on Tuesday, November 12.

Please inform me if you intend or do not intend to provide the information required by the Lamoine Gravel Ordinance by the October 8 date.

## Lamoine Town Office

**From:** Stephen Salsbury [steve@herrickandsalsbury.com]  
**Sent:** Thursday, October 03, 2013 7:10 AM  
**To:** 'John Holt & Joyce Cornwell'  
**Cc:** 'Town of Lamoine'; 'CEO Mike Jordan'; 'Edmond J. Bearor'; 'Bob Granger'; jcpuddy@gmail.com; cgdonaldson@myfairpoint.net; perf@gwi.net; emkarate@midmaine.com; living\_the\_dream66@yahoo.com; 'Beth Gott'; ebearor@rudman-winchell.com; 'John Goodwin Jr.'; 'Patrick Jordan'; 'Paul MacQuinn'  
**Subject:** RE: Gravel Pit applications

Hi John,

We will most likely have a plan written for a November hearing. I would like to get the site inspections done before snow cover. That's item 1.

Item 2, the operators dig test pits with their excavators all the time to fish around for the water table when they suspect they are close. We have even done this for code officer visits in the past. A very temporary thing. The hole is dug, we watch for the water to stabilize (if observed), measure the depth and cover it back over. Installing permanent wells in the floor of an operating pit is a futile exercise. The DEP standard is being met by the pit owners on an ongoing basis.

Item 3, let me discuss. Not with the Stephens application but the Doug Gott & Sons stump grinding operation where you were concerned about contamination from the stumps. The board required SW Cole to install a lineal series of wells in the direction of cold spring. We already had two nearby data points for the groundwater flow calculation to the east in the Davis Pit and to the south on the former Alexander Lot. We drilled three more wells at the board's insistence. One is now used on the down gradient side of the operation to measure water quality. So the procedure used in the Gott stump grinding operation is essentially what you are asking each pit owner to do now.

I will keep you posted on our progress to completing the applications.

Best,  
Steve



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**From:** John Holt & Joyce Cornwell [mailto:[johnjoyce@midmaine.com](mailto:johnjoyce@midmaine.com)]  
**Sent:** Wednesday, October 02, 2013 1:20 PM  
**To:** 'Stephen Salsbury'  
**Cc:** 'Town of Lamoine'; 'CEO Mike Jordan'; 'Edmond J. Bearor'; 'Bob Granger'; jcpuddy@gmail.com; cgdonaldson@myfairpoint.net; perf@gwi.net; emkarate@midmaine.com; living\_the\_dream66@yahoo.com; 'Beth Gott'; ebearor@rudman-winchell.com; 'John Goodwin Jr.'; 'Patrick Jordan'; 'Paul MacQuinn'  
**Subject:** RE: Gravel Pit applications

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
**PERMIT BY RULE NOTIFICATION FORM**  
 (For use with DEP Regulation, Chapter 305)

DEP-BANGOR-RM1138-JUN25'13RC

TYPE OR PRINT IN BLACK INK ONLY

Applicant:  Name/ Owner)	HAROLD MACQUINN, INC.			Name of Agent:	STEPHEN R. SALSBURY		
Applicant Mailing Address:	P.O. BOX 789			Agent Phone # (include area code):	207-667-7370		
Town/City:	ELLSWORTH			PROJECT Information Name of Town/City:	LAMOINE, MAINE		
State and Zip code:	MAINE 04605			Name of Wetland or Waterbody:	N/A		
Daytime Phone # (include area code):	207-667-4653			Map #:	3	Lot #:	33
Detailed Directions to Site:	FROM LAMOINE TOWN OFFICE, PROCEED SOUTH ON ROUTE 184 FOR 0.8 MILES. SITE ENTRANCE ON LEFT IS AN UNMARKED PAVED ROAD WITH GREEN GATE.						
				UTM Northing: (if known)		UTM Easting: (if known)	
Description of Project:	GRAVEL EXTRACTION OPERATION. PERMIT APPLICATION FOR EXTRACTION TO WITHIN 25 FEET OF PEAT BOG (2 LOCATIONS) AND 25 FEET OF SIGNIFICANT VERNAL POOL (1 LOCATION)						
Part of a larger project? (check one) →	<input checked="" type="checkbox"/> Yes	After the Fact? (check one) →	<input type="checkbox"/> Yes	Check one → This project <input type="checkbox"/> does (or) <input checked="" type="checkbox"/> does not involve work below mean low water (average low water).			

**PERMIT BY RULE (PBR) SECTIONS:** (Check at least one)

I am filing notice of my intent to carry out work which meets the requirements for Permit By Rule (PBR) under DEP Rules, Chapter 305. I and my agents, if any, have read and will comply with all of the standards in the Sections checked below.

- Sec. (2) Act. Adj. to Protected Natural Res.
- Sec. (3) Intake Pipes
- Sec. (4) Replacement of Structures
- Sec. (5) REPEALED
- Sec. (6) Movement of Rocks or Vegetation
- Sec. (7) Outfall Pipes
- Sec. (8) Shoreline stabilization
- Sec. (9) Utility Crossing

- Sec.(10) Stream Crossing
- Sec. (11) State Transportation Facil.
- Sec. (12) Restoration of Natural Areas
- Sec. (13) F&W Creation/Enhance/Water Quality Improvement
- Sec. (14) REPEALED
- Sec. (15) Public Boat Ramps
- Sec. (16) Coastal Sand Dune Projects

- Sec. (17) Transfers/Permit Extension
- Sec. (18) Maintenance Dredging
- Sec. (19) Activities in/on/over significant vernal pool habitat
- Sec. (20) Activities in existing dev. areas located in/on/over high or moderate value inland waterfowl & wading bird habitat or shorebird nesting, feeding & staging areas

I have attached the following required submittals. **NOTIFICATION FORMS CANNOT BE ACCEPTED WITHOUT THE NECESSARY ATTACHMENTS:**

- Attach a check for \$70 made payable to: "Treasurer, State of Maine".
- Attach a U.S.G.S. topo map or Maine Atlas & Gazetteer map with the project site clearly marked.
- Attach Proof of Legal Name. If applicant is not an individual or municipality, provide a copy of Secretary of State's registration information (available at <http://icrs.informe.org/nei-sos-icrs/CRS?MainPage=x>)
- Attach photos of the proposed site where activity will take place as outlined in PBR Sections checked above.
- Attach all other required submissions as outlined in the PBR Sections checked above.

I authorize staff of the Departments of Environmental Protection, Inland Fisheries & Wildlife, and Marine Resources to access the project site for the purpose of determining compliance with the rules. I also understand that *this permit is not valid until approved by the Department or 14 days after receipt by the Department, whichever is less.*

By signing this Notification Form, I represent that the project meets all applicability requirements and standards in the rule and that the applicant has sufficient title, right, or interest in the property where the activity takes place.

Signature of Agent or Applicant:			Date:	6/21/2013
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Keep a copy as a record of permit. Send the form with attachments via certified mail or hand deliver to the Maine Dept. of Environmental Protection at the appropriate regional office listed below. The DEP will send a copy to the Town Office as evidence of the DEP's receipt of notification. No further authorization by DEP will be issued after receipt of notice. Permits are valid for two years. Work carried out in violation of any standard is subject to enforcement action.

AUGUSTA DEP  
17 STATE HOUSE STATION  
AUGUSTA, ME 04333-0017  
(207)287-3901

PORLTAD DEP  
312 CANCO ROAD  
PORTLAND, ME 04103  
(207)822-6300

BANGOR DEP  
106 HOGAN ROAD  
BANGOR, ME 04401  
(207)941-4570

PRESQUE ISLE DEP  
1235 CENTRAL DRIVE  
PRESQUE ISLE, ME 04769  
(207)764-0477

**TOWN COPY**

OFFICE USE ONLY	Ck.# <i>2249</i>	Staff <i>JAC</i>		
PBR # <i>56300</i>	FP \$70.00	Date 6/25/13	Acc. Date 7/9/2013	Def. Date

DEPLW0309-N2012